

**RULES
OF
THE BENGAL CLUB;**

A LIST OF THE MEMBERS,

ALSO THE NAMES OF

THE COMMITTEE OF MANAGEMENT,

&c. &c. &c.

CALCUTTA :

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1853.

B E N G A L C L U B,

INSTITUTED, FEBRUARY, 1827.

Patron.

THE RIGHT HON. THE EARL OF DALHOUSIE.

COMMITTEE OF MANAGEMENT.

President.

A D M Mills Esq

Vice-Presidents.

*Wyn J S Banks
F F Courtney Esq*

Members.

*H Ambrose H D Greenaway
F G T Rautio Esq
C J Duckland Esq
C Huffnagle Esq*

*H D Riddell Esq
J Beard Esq
W F Ferguson Esq*

RULES
OF
THE BENGAL CLUB,

INSTITUTED IN FEBRUARY, 1827.

I.

THE Bengal Club shall consist of an unlimited number of Members.

Number of
Members.

II.

The Governor General of India ; His Excellency the Commander-in-Chief ; the Members of Council ; the Judges of the Supreme Court ; and the Right Rev. the Lord Bishop of Calcutta ; shall be eligible as Members of the Club without ballot, on payment (should they avail themselves of the advantages of the Club) of the ordinary subscription of Permanent Members.

III.

1st. Any Gentleman temporarily resident in Calcutta or its vicinity, but not belonging to the Bengal or Agra Presidencies, who shall be proposed by four Permanent Members of the Club for admission as an Honorary Member, shall be ballotted for in the prescribed manner.

Honorary
Members.

2nd. Gentlemen so admitted shall cease to be Honorary Members of the Club at the expiration of three months, but shall then be eligible to be elected by ballot as Permanent Members.

3rd. All officers of H. M. Regiments, including the staff of the Governor General of India and his Excellency the Commander-in-chief, who are likely to leave the Bengal Presidency within three months, are eligible for ballot as Honorary Members, and if admitted shall continue to be Honorary Members for three months from the date of Ballot.

4th. Honorary Members, elected under clauses 1 and 3, shall not, however, be allowed to occupy rooms to the exclusion of Permanent Members, either of this or the Madras or Byculla Clubs.

5th. All Members of the Madras and Byculla Clubs shall be considered as Honorary Members of the Bengal Club, as, vice versa, all those of the Bengal Club are of the Madras and Byculla Clubs. This is not intended to apply to Members who are or may become permanent residents of either the Bengal or Agra Presidencies.

6th. This class of Honorary Members shall have all the privileges of Permanent Members, excepting that of balloting or of voting and eligibility as Members of Committee.

7th. Honorary Members are exempt from the payment of entrance Money, but are subject to the usual charges attending a resi-

dence in the Club, or the use of the Coffee Room ; and should their stay in Calcutta exceed one month, to the usual Monthly Subscription of a Permanent Resident Member.

IV.

1st. An Entrance Donation of 200 Rupees, shall be paid by every Permanent Member, payable, if desired, by instalments of 100 Rs. the 1st Month, and 50 Rs. in each of the two succeeding months. In the event of the full amount of entrance money not being paid within three months, the proposer and seconder shall be liable each for the entire amount.

Entrance
Money and
Annual
Subscriptions.

2nd. An Annual Subscription of 16 Rupees shall be paid in advance on the 1st January, by every non-resident Permanent Member.

3rd. Non-resident Members elected during the 1st quarter of the year shall pay the full amount of subscription for the year in which they are elected ; those elected in the 2nd quarter, 12 Rs. ; in the 3rd, 8 ; and in the 4th, 4 Rs.

4th. In the like manner Resident Members, and those alluded to in the 6th and 7th clauses of this rule, shall pay the full subscription claimable, from such Members or $\frac{1}{4}$, $\frac{2}{4}$, or $\frac{3}{4}$, according to the quarter in which they may be elected.

5th. All Members residing in Calcutta, Fort William, or the suburbs of Calcutta, shall pay a quarterly subscription of 20 Rs. in advance on the 1st January, 1st of April, 1st of July, and 1st of October, making the

total Annual Subscription of a Resident Permanent Member 80 Rupees.

6th. All Members residing at any spot beyond the suburbs, but within 30 Miles of Calcutta, shall pay a Quarterly Subscription of 7 Rupees and 8 Annas in advance, making the total Annual Subscription of such Members 30 Rupees.

7th. Any Non-resident Member who may reside in Calcutta, (including the suburbs,) at Dum-Dum, Barrackpore, or stations within 30 Miles of Calcutta, for one week in any quarter, shall pay the difference of Subscription, viz., 16 or 3-8 Rupees, as the case may be, for that quarter. If the aggregate term of residence during the year should be more than 1 month, and less than 3, he shall pay the difference of Subscription for half a year; if 3 months, for the whole year. Provided always that if the residence commences in one quarter of one year and ends in another, the Members shall only be charged the difference for one quarter, half year, or year, as the case may be.

8th. Members who may change their residence from one station to another, where a higher rate of Subscription becomes chargeable, shall pay, if the change takes place during the first month of any quarter, the full amount of the higher Quarterly Subscription; if during the second month, three-fourths, and if in the third month, one-half of the higher rate of Subscription; less the sum already paid for that quarter, at the lower rate.

9th. Members, however, who may be elected, or who may change their station within one week, or in the case of Non-resident Members within two weeks, of the termination of the quarter or year, shall only be charged the new rates from the commencement of the ensuing term.

10th. In like manner Members quitting the Bengal or Agra Presidencies, or changing to a lower rate of Subscription, shall be exempt in the former case from the payment of their Subscription for the quarter or year, and in the latter from the higher rate of Subscription for the quarter, provided they do not exceed a bona fide residence, in the case of Resident and Barrackpore Members, of one, and in that of Non-resident Members of two, clear weeks from the date on which their Subscriptions would otherwise have become due.

11th. As by the Rules, both Annual and Quarterly Subscriptions become payable in advance at the commencement of those periods, notices of withdrawal from the Club cannot be allowed to have retrospective effect, and Members who may wish to secede will be chargeable with the full Subscription whenever their applications are not received prior to the commencement of the year or quarter.

12th. Members absent in Europe are exempted from the payment of any Subscription whatever.

V.

**Admission
of Members by
ballot.**

The following are the Rules for the admission of Members by ballot.

1st. Each candidate for admission is to be proposed by one Member, and seconded by another, and his name and profession, with the names of those who propose and second him, shall be put up at the door of the Club Room and in the Reading Room, for at least four consecutive days before the ballot. The Secretary shall also circulate to all the Members supposed or known to be in Calcutta the Candidate's name, and the names of the Gentlemen by whom he is proposed and seconded, so that every Member may have an opportunity of attending the ballot.

2nd. The ballot is to commence from the moment the names are publicly exhibited, and is to be conducted under the Superintendence of the Secretary, or the Managing Member of the Committee. The ballot shall close on the announcement of dinner on the Saturday following the four entire days prescribed by the preceding clause, and the ballot boxes shall be opened in the presence of one or two Members of the Committee or any two Members of the Club deputed by them.—The number of black balls shall not be disclosed, but merely the result of the election.

**No Member
can ballot by
proxy.**

3rd. No Member can ballot by proxy, and no election be valid unless twelve Members actually ballot; one black ball in six shall

exclude Members who ballot are to insert their names in the book kept for that purpose to prevent any mistakes.

4th. No gentleman who has been black-balled shall be again put up for ballot until after the expiration of six months from the date of his ballot. In all such cases also it shall be stated on the ballot paper that the gentleman has been ballotted for before.

5th. On the admission of each new Member the fact shall be notified to him by the Secretary or Managing Member of the Committee, who will furnish him with a Copy of the Rules of the Club.

6th. No newly-elected Member shall be admissible to participate in any of the advantages, or privileges of the Club, until he has paid the first instalment of his Entrance Money and the Subscriptions which are due from him in advance under Rule IV.

No Member to enjoy the privileges of the Club until Entrance Money and Subscription are paid.

7th. If any newly-elected Member shall fail to pay the full amount of his Entrance Donation and Subscription within the space of three months from the date of his admission to the Club, or of twelve months, if not resident in India, his name shall be struck out of the list of Members.

8th. Should the accounts of any Member accumulate into arrears to the amount of 100 Rupees, or remain unpaid for one month, his name shall be exhibited in the Coffee Room, and intimation shall be sent by the Committee to the party so in arrears that he shall not be

Exclusion from the Club.

furnished with any further supplies, and that he must consider himself as no longer enjoying the benefits of the Club, until the full amount due by him be paid: and further that, in the event of its not being paid within three months, his name shall be struck out of the list of Members. Should this intimation prove unavailing, the Committee, at the expiration of the three months, shall remove the defaulter's name from the list of Members, shall notify to him his expulsion, and shall take such measures as they may consider necessary for the recovery of the Club dues.

9th. No Member whose name is thus removed from the list shall be eligible to re-admission by ballot until all arrears have been discharged up to the date of his removal from the Club.

10th. No person who has been dismissed from the Queen's or Company's service shall continue a Member of the Club, unless re-elected by ballot; the same rule shall apply to any Member who may take the benefit of the Insolvent Act; provided, however, that, if re-elected, such Member shall not be required to pay an entrance fee on re-election. The Secretary shall notify to gentlemen who may be affected by this rule, that they have ceased to be Members of the Club, and shall enquire whether they wish to be put up for ballot.

11th. In the event of any Permanent Member who has retired from the Club being

desirous to return, he may again be put up for ballot at any time within three years from his retirement, and if re-elected shall be required in lieu of the usual Entrance Donation to pay a fine, if within one year of retirement, of a quarter of a year's subscription of a Resident Member, if within two years, of half a year's subscription, if within three years, of one year's subscription.

12th. A list of admissions to the Club and another of resignations, and removals from the list, shall be forwarded every six months to the Madras and Byculla Clubs, and these Clubs shall be requested to supply the Bengal Committee periodically with similar lists.

VI.

1st. All the Concerns of the Club and its internal arrangements are to be managed by a Committee, consisting of a President, two Vice-Presidents, and seven Members, to be elected by ballot, at the Annual General Meeting of the Club, held after the 1st January of each year.

Appointment
of a Committee
to regulate the
concerns of the
Club.

2nd. Vacancies in the Committee occurring during the year are to be filled up by the rest of the Committee, but should vacancies reduce the Committee to less than five, they shall immediately call a General Meeting for a re-election, which re-election shall, in like manner, be conducted by ballot.

3rd. The Committee may, if they consider it necessary, appoint a Secretary to keep a re-

cord of their proceedings, and the accounts of the Club, to conduct the necessary correspondence, and to superintend the whole Establishment, &c. under their Orders.

4th. The rules made by the Committee for the internal arrangements of the Club House, with the rates for breakfast, dinner, &c., and the prices of the different sorts of wines, &c. as fixed from time to time, are to be hung up in a conspicuous part of the Coffee Room.

**Meetings of
the Committee.**

5th. The Committee shall hold an ordinary Meeting monthly, or oftener if necessary, to transact current business, audit the accounts, and confirm the proceedings of the preceding Meeting.

6th. Three of the Committee shall form a quorum upon the days of Meeting.

**Infraction of
Rules or im-
proper conduct
how to be dealt
with.**

7th. Any infraction of the Rules of the Club shall be taken immediate cognizance of by the Committee, and it shall be considered the duty of the Committee, in case of the occurrence of any circumstance likely to disturb the order and harmony of the Club, to call a General Meeting, giving due notice thereof, and in the event of its being voted at that Meeting, by two-thirds of the persons present, that the name of any Member or Members be removed from the Club, their Subscriptions for the current year shall, in that case, be returned, and he or they shall cease to belong to the Club.

8th. The Management of the pecuniary concerns of the Club shall be vested in the Committee, who shall have power to adopt such

measures regarding its funds, as may appear to them most conducive to the interests of the Club.

9th. The Committee shall call a General Meeting of the Club annually as soon as practicable after the 1st of January, and lay before it an abstract of the accounts and concerns of the Club for the preceding year, together with an estimate for the current year.

10th. The Committee may call an Extraordinary General Meeting of the Club, giving at least eight days' notice, and specifying the object of the meeting. The Committee shall also call a General Meeting on the written requisition of twenty Members.

11th. Every proposition hereafter made for altering an established rule of the Club shall be submitted to a General Meeting, regularly convened, and, if approved by a majority of the Members present, shall then be entered in a book, kept for that purpose, and be left on the table of the Reading Room, to receive the votes of the Members ; the book to remain open for five weeks, and at the end of that period, if the alteration is approved by a majority of the Members who have voted, is to form a Standing Rule. Provided, however, that every such proposition may, if rejected by a General Meeting, be submitted by circul-lars at the expense of the Club, for the general opinion and votes of the Members at large, on the written requisition of any seven Mem-bers of the Club.

Annual General Meeting to take place as soon after 1st January as possible.

General Meeting can be called on requisition of 20 Members.

Any proposi-tion for alter-ing the Rules to be submit-ted to a Gen-eral Meeting.

Non-Resident
Members may
vote by Proxy.

12th. Any Member not residing in Calcutta is at liberty, under the preceding clause, to vote by Proxy, transmitting his written vote to the Secretary, or to any resident Member of the Club, and the Proxy shall sign his own name in the vote book, as well as that of the Member whose vote he gives.

13th. Every rule proposed under the 11th clause be advertized in the principal Newspapers three times, during the period the question remains open.

14th. No subject that does not relate to the concerns of the Club, shall be proposed or brought forward for public discussion at any Annual or General Meeting.

VII.

Penalties and
Prohibitions.

1st. No person not a Member, can be admitted to the Club Table, or allowed to avail himself of any of the privileges of the Club.

2nd. No Member shall take away from the Public Club Rooms, on any pretence whatsoever, any Newspaper, Pamphlet, Book, or other Article, the property of the Institution under the Penalty of a fine of Fifty Rupees for the first offence, and One Hundred Rupees for every subsequent offence. If the fine is not paid within fifteen days, the offender is to be deprived of the benefit of the Club until it is paid.

3rd. No Member is to be allowed to occupy as a private apartment, the Committee or spare dining room, which is especially re-

served for the use of the Members generally. Any infringement of this rule by a Member will involve the penalty of a fine of Fifty Rupees.

4th. No Provisions, or any Articles, Wines, or other Liquors belonging to the Club, are to be sent out of the House on any pretence whatsoever, except provisions which may be required by Members setting out by Dawk from the Club House.

5th. Whenever a Member may have reason to find fault with the dinner, or to object to any charges which are made, such Member should write his objections on the back of the bill, which bill and remarks shall be laid before the Committee at their next Meeting. In like manner any inattention or improper conduct on the part of the Servants, or any complaint or suggestion which a Member may wish to make, be stated in writing to the Secretary or Managing Member, who will lay it before the Committee at their usual Meeting.

Objections to
Dinner and
General Com-
plaints how to
be made.

6th. Members residing at the Club House are to settle their accounts before leaving the house, on penalty of expulsion.

7th. No Member shall, on any account, bring a dog or other pet into the Club Premises, under a penalty of One Gold Mohur.

8th. No Member shall perform upon any Musical Instrument within the precincts of the Club, under a penalty of One Gold Mohur for each offence.

9th. Any Member wilfully infringing clause

1 of Rule 7, for which no penalty is at present prescribed, shall be requested by the Committee to withdraw his name from the Club, and on his refusing to do so, a General Meeting shall be called to consider the propriety of his expulsion.

REGULATIONS
FOR THE
INTERNAL ARRANGEMENTS
OF
THE CLUB HOUSE,
(PASSED UNDER PROVISION OF RULE VI.
OF THE CLUB RULES.)

1st. Any Member wishing to have any particular dishes, such as Oysters, Salmon, Europe preserved Meats, or Vegetables, in excess to the scale laid down by the Committee, will be charged extra for the same.

2nd. A House Dinner will be prepared every day, at such hour as may be appointed from time to time.

3rd. Any Member putting down his name to dine at the House Dinner, must pay for the same, though he should not be able to attend, unless his name be struck out by nine o'clock on the evening preceding.

4th. Members dining at the Club on Saturday evening, and omitting to put down their names by 9 o'clock on the preceding evening, shall be charged 1-8 in addition to the usual charge.

5th. At House Dinners, all Wines, &c. will be equally charged among those who partake of them.

6th. For any private Dinner, Members are recommended to give one or two days' notice to the Steward otherwise allowances must be made for any deficiency.

7th. In the event of any Member wishing to give a private Dinner to any given number of persons (Members of the Club), he shall be required to pay for each person ; and if an excess to the number specified shall sit down to Table, he is to pay for them, also ; should the number who partake of the Dinner be less than that stated in the original order, he is to pay, notwithstanding, for the number first ordered.

8th. All dishes ordered for the accommodation and convenience of individual Members are to be paid for, at the rates specified in the Card, as they must be prepared at such hours as may be specified, without reference to the usual meals prepared in the eating-room.

9th. The Steward is not permitted to keep any private accounts for Members ; consequently every Bill ought to be paid with ready money ; but, in order to save trouble to Members, Monday each week will be considered pay-day ; any Member not paying his Bill on the day on which it is first presented to him, is to be charged a Rupee, and another for every subsequent time it is sent to him.

10th. Members residing in the Club House

shall be charged 8 annas for Lights, Hot Water, Ice, &c. on those days on which they do not dine at the Club Table.

11th. Except in cases of sickness, a charge of 50 per cent. shall be added to the regulated price for all meals (breakfast excepted), when supplied in Members' private rooms.

12th. The Steward will furnish a Bill of the expenses at all parties previous to their breaking up, when the President for the night is requested to sign it; and state on it any deficiency or badness of Dinner or Wines, inattention of Servants, &c. which the party may have to complain of. This Bill must be kept by the Steward, as a Voucher of his accounts with the Committee, and no complaints will be attended to that are not brought forward in this manner.

13th. At all House Dinners, the Bill is to be made up and brought up to the President precisely at half-past nine o'clock. The Members who may remain at Table after that hour, will be charged, separately and individually, for whatever Viands or Wine each person may call for.

14th. At a House Dinner the Managing Member of the Committee when present shall preside, in his absence the Member whose name is last on the Card is to be President for the evening, and the last but one, the Vice President.

15th. Any Member breaking or destroying an Article of Club property, is to be charged with double its value.

16th. All Breakages which occur at a House Dinner are to be charged in the General Bill, unless otherwise specially directed.

17th. Corked or bad bottles of Wine are to be destroyed. They will not be allowed in the Steward's accounts, unless entered in the Bill and Vouched by the signature of one of the party, or specially authorized by the Committee, on a representation being made to them.

18th. No smoking will be allowed in the Dining Room until after dinner.

19th. There will be a box in the Reading Room to receive any letters from the Members to the Secretary of the Committee.

20th. Members residing at the Club House and sending for Stationary, will be charged for it in their Bills.

21st. In the event of any Servant of the Club behaving ill, his conduct is to be brought under the notice of the House Steward ; or, if the offence is a serious one, stated in writing to the Secretary or Managing Director, who will take measures for correcting it, and reporting the particulars to the Committee.

22nd. The charges for Members occupying Rooms in the Club House have been established at 1 rupee 8 annas per diem.

23rd. The names of Members, residing in the Club House, distinguished as Resident, or Non-Resident Members, shall be written on a list, with the dates of the commencement of their occupation of their rooms.

24th. Applications for rooms, must be either

addressed to the Steward, or Baboo, or inserted in a Book kept for that purpose in the Reading Room : and the Baboo shall prepare a list of the Members so applying, specifying the dates of their several applications, and whether such applicants are Resident or Non-Resident Members. The right of selection, shall be possessed by the Members on such list, in the following Order :

1st.—Non-Resident Members, according to their priority on the list of applicants.

2nd.—Resident Members, according to their priority on the list of applicants.

The object is to prevent the best rooms being monopolized by Residents ;—to give to non-Residents a right to the best Rooms, and to ensure to a Non-Resident a Room whenever he arrives.

Rules respecting rooms.

25th. When the Club is full, the Member who has been more than a month and longest Resident in the Club, must vacate, after 6 hours' notice between sun-rise and sun-set, when accommodation is required by any Member.

A Non-Resident applicant for accommodation has further a right to one of the superior Rooms, 6, 7, 11, 12, 15, 16 and 17, and the Member, who has longest occupied any of such superior Rooms, must vacate, provided always, that no one shall be required to vacate any such room until he has completed a month's residence in the Club. No Resident Member shall have the right to require a superior Room to be vacated for him, until the occupant has completed three months' residence in such superior Room or Rooms, unless

such occupant shall have been the longest Resident in the Club.

Non-Residence in the Club for one clear week is necessary before any one vacating the Club, can again claim the right to a room under para: 1, or exemption from being turned out.

The managing Member of the Committee shall be entitled to retain his Room so long as he continues such managing Member.

26th. The Club chambers are available to all Members according to priority of application at the following rates:

Upper Floor,..... 100 Rs.

Centre Floor,..... 120 „

Lower Floor, for two Rooms, 60 „

but must be taken for three month's certain to be calculated from the first of the month following the occupancy and not given up without one half month's notice at least.

Members occupying them are not liable to be called on to vacate.

27th. A room cannot be kept for a Member for more than 24 hours from the time of its being bespoken.

28th. When two Members occupy one room, the Member whose name does not appear on the list as the occupant of the room will be charged 8 As. per diem.

29th. It is desirable, as far as practicable, that one day should intervene between the occupation of rooms by successive Members in order to allow the servants to air and thoroughly clean the apartments, and Gentle-

men are requested to give the key of their room to the Steward for this purpose, who, after cleaning the room, will give the key to the next Gentleman on the list, who may be desirous of occupying it.

30th. The Billiard Room shall be closed on Sundays, and no Card-playing or other games of chance shall be allowed on that day.

31st. The charges for Stalls and Coach House accommodation are as follows, viz :

Each Stall. 5 Rs. per Mensem

For a Carriage..... 5 Rs. per ditto

For a Buggy. 4 Rs. per ditto

32nd. Members residing in the house shall be accommodated with Stalls or Buggy room in preference to all others, and the choice of Stalls will rest with House Members according to their place on the House list. No Member shall be allowed to occupy more than one Stall, unless there should be Vacant Stalls, for which other Members have not applied.

The charges for Billards are as follows :

Night Games	{	51	6 Annas.
		24	3 ditto
Day Games	{	51	4 ditto
		24	2 ditto

Games of Pool, each player 3 annas.

33rd. In Games of 51 at Billiards, when a Match of four is played, each of the two losers shall be charged for Night Games 3 annas and for Day Games 2 annas.

34th. The following is a scale of Coffee Room charges, authorized by the Committee ;

SCALE OF CHARGES

AUTHORIZED BY THE COMMITTEE.

	<i>Rs.</i>	<i>A.</i>	<i>P.</i>
Tea and Coffee,	0	4	0
Ditto, if made in Private Room,....	0	6	0
Bread or Toast, with Butter or Cheese,	0	3	0
Bread, Butter, Cheese,.....	0	4	0
Bread or Toast only,.....	0	1	6
Breakfast with Fish or Meat,.....	1	0	0
Ditto without Fish or Meat,	0	10	0
Hot Tiffin,.....	1	0	0
Cold ditto, including Potatoes,	0	12	0
Soup or Broth with Bread,.....	0	8	0
Sandwiches, Anchovie Toast or Welsh Rabbit,	0	6	0
Biscuit,	0	1	0
House Dinner,	2	8	0
Private ditto, as ordered,.....	0	0	0
Hot Supper,	1	0	0
Cold ditto,.....	0	12	0
Sago, Arrow-root, or Pudding,	0	4	0

WINES.**QUARTS.***Rs. A. P.*

Champagne,	4	8	0
Sherry,	2	8	0
Claret,	2	8	0
Hock,	2	8	0
Port,	2	8	0
Brandy,	2	0	0
Beer,	0	10	0
Ditto, English bottle,	0	12	0

PINTS.

Champagne,	2	8	0
Sherry,	1	6	0
Beer,	0	6	0
Cherry Ratafia,	2	0	0
Soda Water,	0	5	0
Brandy, Gin, Liqueurs and Wines, per glass,	0	4	0

MEMBERS.

A.

Abercrombie, Captain Wm., Engineers.
Alexander, Henry, C. S.
Alexander, R., C. S.
Allen, W. J., C. S.
Andree, Colonel R. C., (Europe.)
Anstruther, Major R. L., 6th Cavalry, (Europe.)
Archbold, Lieutenant E. C., (Europe.)
Archer, Dr. C.
Alexander, Lieutenant C., Artillery.
Abercrombie, R., C. S.
Agnue, J. V., C. S.
Adams, J. H.
Anderson, W.
Alexander, R. H., C. S.
Abbott, W. H.

Abercrombie P.

B.

Bacon, George, C. S. (Europe.)
Baker, Lieut. Colonel Onslow, Artillery.
Barbor, Capt. G. A., (Europe.)
Barrow, J. H., (Europe.)

- Battye, G. W., C. S.
Beatson, Lieut. Colonel W. F., 54th N. I.
Bagot, Lieut. A., 15th N. I.
Ballie, H., Dr.
Beaufort, F. L., C. S.
Becher, Captain C. E., 5th Cavalry.
Belli, C. S., C. S.
Bere, Capt. E. H., H. M. 16th Lancers,
(Europe.)
Birch, Major F. W., 41st N. I.
Biscoe, T. P., C. S. (Europe.)
Blyth, E.
Bogle, Major A., 2d N. I.
Boyd, M. (Europe.)
Boyd, W. S. (Europe.)
Brassy, R. J., Dr.
Brereton, H., C. S.
Bridgeman, J. H.
Briggs, Lieut. D., 17th N. I.
Brown, George.
Brown, H. C.
Brownlow, Captain W. (Europe.)
Buckland, C. T., C. S.
Burn, Major H. P., 1st N. I.
Burroughis, Captain L. (Europe.)
Burt, Doctor B. (Europe.)
Bury, Chas., C. S.
Bushby, G. A., C. S.
Banks, Captain J. S.
Brodhurst, W. H., C. S.
Blundell, E. A., C. S.
Bright, G., C. S.
Balfour, H., C. S.

Bax, J., C. S.
 Blunt, Jr. W., C. S.
 Buckle, Captain.
 Blackwood, Captain A., 59th Regt.
 Buller, Sir A.
 Browne, Lord W., C. S.
 Brae, H.
 Bracken, W., C. S.
 Bell, J. D.
 Balfour, M.
 Boie, Captain C. V., A. D. C.
Caldwell A. C.
Bleasdale G.
Burnside A. C.

C.

Caird, T.
 Caldwell, Col. H. (Europe.)
 Campbell, J. G., C. S.
 Campbell, A., C. S. (Europe.)
 wampbell, Doctor D.
 Campbell, Major Geo., Artillery.
 Campbell, J. W. H., C. S.
 Campbell, J. S., C. S.
 Campbell, Colin.
 Campbell, C. H., C. S.
 Campbell, Captain C., 42d N. I.
 Carnac, C. R., C. S.

- Carnegie, Lieut. J. W., 15th N. I.
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THE
R E S U L T S
OF THE
CENSUS OF GREAT BRITAIN
IN
1851.

WITH A DESCRIPTION OF THE
MACHINERY AND PROCESSES
EMPLOYED TO OBTAIN THE RETURNS.

ALSO AN
APPENDIX
OF TABLES OF REFERENCE.

BY
EDWARD CHESHIRE,

*Fellow of the Statistical Society, and one of the Secretaries to the Statistical Section
of the British Association for the Advancement of Science.*

EIGHTEENTH THOUSAND.

R E V I S E D.

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P R E F A C E.

THE following sketch of the Machinery and Processes employed to take the Census of Great Britain in 1851, was condensed from the voluminous folios recently issued from the Census Office; and was read before the Statistical Section of the British Association for the Advancement of Science, on the 8th of September, 1853. The Appendix was compiled from the same source.

The popular impression that a Census consists of an accumulation of numbers only, is most erroneous. A Census comprises information of deep and varied interest, but the magnitude of the undertaking necessitates a publication of corresponding proportions; hence the more interesting details, and many very important results, lie buried in such a mass of statistics, that it is extremely doubtful whether one person in a *million* takes the trouble to become acquainted with the contents of a Census. It is hoped that this digest will lead a larger portion of the British population to a knowledge of the subject, and to a more adequate appreciation of its importance.

It does not occur to every one that a vast and complicated machinery had to be organized to take the Census—that Great Britain had to be apportioned into nearly *forty thousand* enumeration districts—that arrangements had to be made to secure the simultaneous services of a like number of duly qualified Enumerators—and that the united intelligence of an important Department of the State had afterwards to be called into requisition to analyse the returns, extending, in manuscript, over some *forty thousand volumes*, and to reduce them to the form and limits necessary for publication.

The various subjects comprised in the Census, and introduced into this digest, will be seen by glancing over the table of contents.

EDWARD CHESHIRE.

12, ST. JAMES'S SQUARE,
London, 1st December, 1853.

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THE RESULTS
OF THE
CENSUS OF GREAT BRITAIN IN 1851.

WITH A DESCRIPTION OF THE
MACHINERY AND PROCESSES

EMPLOYED TO OBTAIN THE RETURNS.

INTRODUCTION.

PUBLIC opinion allots to the Registrar-General very prosaic duties. Persons in general consider it a very simple matter to record the births, marriages, and deaths, as they occur ; to draw up an annual report concerning them ; and once in every ten years to count the people. It is true, in the latter case, they understand that to number the heads of the British population involves a certain amount of trouble, but they imagine that the task could be easily accomplished by a subdivision of labour, and that when a series of operations in simple addition had been performed, the result was completed. Those, however, whose investigations lead them to consult the elaborate and voluminous reports which issue from the General Register and Census Offices, form a widely-different opinion of the ability displayed, and of the laborious operations carried forward, in those important departments of the State.

Passing over the annual returns of births, marriages, and deaths, and such occasional reports as the late memorable one on the cholera, we invite attention to the results of the recent Census.

Three bulky folio volumes, containing some two thousand pages of condensed and analyzed matter, sufficiently attest the labours of the Registrar-General (Major Graham) and of his able Assistants, Dr. Farr and Mr. Horace Mann ; but the folios must be studied in order adequately to appreciate the amount of thought which is required to carry a Census into effect, and to embody the results in a work of such magnitude and interest.

The portion of the Census recently published, and now under review, comprises only the first part of this great national work, and is to form the basis upon which a vast pile of statistical science has yet to be reared for the instruction of the statistician of the day, for the guidance of the domestic philanthropist, and to serve the high ends of political and social economy in future ages.

SECTION I.—OBJECTS OF THE CENSUS, AND MACHINERY EMPLOYED.

The Census of 1851 was taken by two distinct departments, under powers conferred by two separate Acts of Parliament, the one applying exclusively to Ireland, the other to England, Scotland, and Wales. The Islands in the British Seas not being included in either of the Acts, the census in them was accomplished through the agency of the Home Office. The present abstract has reference to Great Britain and the adjacent Islands, and does not include Ireland, although that portion of the United Kingdom is occasionally alluded to.

The inquiries undertaken at the Census of 1851 were of a far more extensive character than those pursued at any previous enumeration, for it was resolved to exhibit not only the statistics of parishes, and of parliamentary and municipal boroughs, but also of such other large towns in England and Scotland as appeared sufficiently important for separate mention, and the statistics of all the ecclesiastical districts and new ecclesiastical parishes which, during the last forty years, had been created in England and Wales. In addition, also, to the inquiry concerning the occupation, age, and birthplace of the population, it was determined to ascertain various relationships, such as husband, wife, son, daughter,—the civil condition, as married, unmarried, widower, or widow,—and the number of blind, or deaf and dumb. Moreover, the design was formed of collecting statistics as to the accommodation afforded by the various churches and other places of public worship throughout the country, and the number of persons generally frequenting them; also as to existing educational establishments, and the actual number of scholars under instruction. It was, however, subsequently considered doubtful whether the Census Act rendered it compulsory upon parties to afford information upon these points; this inquiry was, therefore, pursued as a purely voluntary investigation.

The local machinery by which the objects thus contemplated were to be attained, differed considerably in England and Scotland. In England and Wales the *registration districts*, which, for the most part, are conterminous with the *unions*, were made available for enumerating the population. Of these districts there were 624, each having a superintendent registrar; and these were divided into 2,190 sub-districts, each having a local registrar of births and deaths. Under the supervision of their 624 superintendents, the 2,190 registrars were directed to form their sub-districts into *enumeration districts*, according to certain instructions. The number of such enumeration districts in England and Wales was 30,610, each district being the portion assigned to one enumerator, who was required to complete his enumeration in one day.

In Scotland, which is, unfortunately, without any system of registration, the Census was taken through the agency of the sheriffs of counties, and the provosts, or other chief magistrates of royal and parliamentary burghs. The sheriffs generally assigned their functions to the sheriff's substitute, who appointed a fit person, generally the parochial schoolmaster, in each parish, to divide it into enumeration districts, and to superintend the proceedings of the census therein. The same course was adopted by the provosts of

burghs within their respective jurisdictions, which, for the occasion, included the *parliamentary* limits of the burgh in cases where that boundary extended beyond the royalty. The number of parishes in Scotland, including those in royal and parliamentary burghs, were 1,010, and that number of dividers, or superintendents, were appointed. The number of enumeration districts formed by them throughout Scotland was 7,873.

In the Islands of the British Seas dividers of parishes were appointed, in like manner, by the respective Lieutenant-Governors, and 257 enumeration districts were similarly formed.

The total number of enumeration districts thus apportioned in Great Britain and its Islands was 38,740; to each of these a duly qualified enumerator was appointed. An idea may be formed of the extent of this army of enumerators, and of the labour of engaging their services on the same day, when it is mentioned that it would take seven hours and three quarters for the whole body, in single file, to pass a given point, at *quick* march; and it would take upwards of ten hours and three-quarters to count them, at the rate of one a second. The army recently encamped at Chobham (9,000), converted for the nonce into enumerators, would not have sufficed to enumerate a *fourth* of the population of Great Britain.

It was necessary that these enumeration districts should be formed with a careful reference to the various divisions of the country, the population of which was to be separately distinguished in the returns. The Act itself prescribed the distinct enumeration of parishes, townships, ecclesiastical districts, parliamentary boroughs, and incorporate cities and towns; in addition to these it was thought desirable to secure the returns of the population of various subordinate divisions, such as tythings and hundreds, and also of such *unincorporate* towns as were of local importance. Accordingly, the instructions issued to registrars in England, for the formation of these districts, directed, that while the boundaries of parishes should be taken as the *basis* upon which to frame the various divisions, attention should also be paid to other boundaries. Thus, when two or more contiguous parishes were of inconsiderable area and population, they were to be united together into one enumeration district; but where the parish or township was too extensive or too populous to be enumerated by one person within the compass of a single day, it was to be divided into two or more enumeration districts, the respective limits of which were to be made, as far as possible, to accord with the boundaries of existing sub-divisions.

The instructions applicable to Scotland were framed on the same plan, differing only in the modifications required to suit the greater extent of Scottish parishes, and the absence of any such subordinate divisions as townships and tythings.

Public institutions, such as workhouses, prisons, asylums, hospitals, and the like, were treated as districts of themselves, provided they contained upwards of 200 inmates.

In this manner the *whole surface* of Great Britain and of the small adjacent Islands was divided into suitable districts, and an equal number of enumerators appointed. Thus provision was made for obtaining an account of all persons residing on *land*, within the

above-named territory, on the night of the 30th of March. The method by which returns were procured respecting persons on board vessels in harbours and navigable rivers will be detailed presently.

The first step taken by the enumerators was to deliver to every occupier of a house or tenement a *householder's schedule*. Upon this schedule inquiry was made as to the name, relation to head of family, condition, sex, age, occupation and birthplace of every person in Great Britain, and also as to how many of them were blind, or deaf and dumb. For the use of the poorer native population of Wales, a certain number of the forms were printed in the language of that country. The total number of schedules forwarded from the Census Office was 7,000,000, weighing some 40 tons, or if the blank enumeration books and other forms are included, upwards of 52 tons. The schedule was to be filled up on the night named. No one present on that night was to be omitted, and no person absent was to be included, except *miners*, *potters*, and other workpeople usually engaged at their labour during the night, and regularly returning home in the morning; or *policemen* and others on night duty. Persons *travelling* were enumerated at the hotels or houses at which they arrived on the following morning.

At the same time that these schedules were distributed, the enumerators delivered forms for collecting information respecting places of worship, scholastic establishments, and miscellaneous institutions, but it was optional with the respective parties to decline making these returns if they thought proper.

When a house was uninhabited, or in process of building, the enumerators made a note of such a case upon the schedule last collected, by which means the unoccupied houses, and houses in course of erection, were enumerated. The number of *inhabited* houses were indicated by the number of householder's schedules filled up.

Having collected all the schedules, and copied them into books prepared on an uniform plan, the enumerators summed the various totals in their respective districts. The totals thus obtained expressed the number of persons who were *inmates of dwelling-houses* on the night of the Census, with the special addition of certain classes on night duty; but several classes had yet to be enumerated, viz., the persons who, on the night named, slept or abode in barges or boats remaining stationary on canals or small streams; in barns, sheds, and the like; and in tents or in the open air. The number of these in each district were estimated by the respective enumerators; the estimate, however, was not to include people in coasting or other sea-going vessels, as they would be dealt with by other means yet to be described.

The enumerators were allowed one week for the transcription of the contents of the householders' schedules into the enumeration book, and for the completion of the various summaries and estimates. The schedules and book, together with the returns relating to schools and places of worship, were then forwarded to the respective registrars, and the duties of the 38,740 enumerators terminated. The census returns were now in the hands of 3,220 registrars, or dividers of districts.

The registrars immediately commenced a careful and systematic examination and revision of the documents described, directing their

attention, according to instructions, to nine specially defined points in respect to them. They then prepared a summary of the statements of the enumerators in their respective districts, and transmitted them, together with the enumeration books, to the superintendent-registrar, for a further revision by that officer, forwarding the householders' schedules and returns for places of worship and schools direct to the census office. With the completion of these duties, for which a fortnight was allowed, the functions of the 3,220 registrars, or dividers of districts, ceased. The summaries and enumeration books (as far as England and Wales were concerned) were now in the hands of 624 superintendent-registrars.

The chief duties of the superintendent-registrars were to expedite the investigation, but they had also further to revise the summaries and enumeration books, and to transmit them to the Census Office, there to undergo a still further revision before the commencement of the abstracts.

A complete enumeration was thus effected of all persons resident upon the *land* of Great Britain, and on canals and small streams; but, as before mentioned, an important portion of the population remained yet to be reached, viz., persons on board vessels in harbours and navigable rivers, and those at sea in ships belonging either to the royal navy or to the merchant service. As, however, only a certain portion of the persons on board vessels can be properly described as *residents in the country*, those only who slept on board vessels actually lying in harbour, or in the navigable rivers of the interior, on the night of the 30th of March, were included in the population of Great Britain; but the numbers of those at sea in vessels engaged in the home trade; those absent in ships bound to foreign parts; and those in the royal navy, were recorded as valuable collateral information. Considerable arrangements were requisite to enumerate these.

The enumeration of persons on board vessels in harbours, and in the navigable rivers of the interior, was accomplished by the officers of the customs. The officers of the respective ports left a schedule on board every ship in port or in dock in Great Britain and Ireland on the night of the census, and on the following morning collected the returns, filled up by the respective masters. Ships engaged in the home trade, and being *at sea* on the night of the census, were supplied with forms either before their departure or on their return, which were collected as they arrived in British ports. The ports on the coasts of the United Kingdom are 122 in number, and are subdivided into 253 sub-ports. The seamen abroad on the night of the 30th of March, in vessels belonging to the British merchant service, were traced to all parts of the world by means of the registry of merchant seamen, and enumerated from the lists under the superintendence of the Registrar of merchant seamen. The seamen in the royal navy and the royal marines were returned by the officers in command, in conformity with instructions issued by the Lords of the Admiralty.

By the machinery explained, all that was necessary in regard to the census of Great Britain was accomplished; but further valuable returns were obtained, presenting a view, in a collective form, of certain important *classes* of the community already enumerated among the general population; as, for instance, the army at home and in the colonies, or on board ship *in transitu*; half-pay officers and pen-

sioners; the civil service; the civilians and European troops in the East India Company's service, and British subjects of European origin not in the Company's service; the latest returns of the population of the colonies; and, through the intervention of the Secretary of State for Foreign Affairs, the number of British subjects in the several states of Belgium, France, Greece, Russia, Sardinia, Saxony, Turkey, the Two Sicilies, China, Persia, Egypt, and Mexico.

In two months from the taking of the Census, the householders' schedules, amounting to about 4,300,000 distinct returns, and the enumeration books, nearly 39,000 in number, were received at the Census Office; and the result of the enumeration being obtainable from the *summaries* forwarded with the books, a *rough* statement of the total population and number of houses was transmitted, on the 7th of June, ten weeks from the night of the Census, to the Secretary of State, and at once made public.

With the view to secure accuracy in the Census, it was considered an indispensable process to examine every total and summary throughout the enumerators' returns; accordingly a minute revision of the whole was undertaken, involving the examination and totaling of more than 20 millions of entries, contained on upwards of 1,250,000 pages of the enumerators' books; and thus the figures forming the groundwork of the abstracts to be prepared of the numbers of the people, their occupations, birthplaces, and condition as regards marriage, were finally settled and determined.

The portion of the Census recently published, and now under consideration, gives the numbers of the people in Great Britain, distinguishing males and females, and the number of houses occupied, unoccupied, and building; and, in a condensed form, all previous census abstracts. In a future publication the ages of the population will be given, their birthplace, condition as regards marriage, and occupations; the numbers of blind, and the numbers of deaf and dumb. An analysis of the returns of churches, schools, institutions, and the like, will also appear.*

For the convenience of statistical investigation, the Registrar-General divided Great Britain and the small adjacent islands into fourteen groups of counties, or islands, viz. :—

1. *London* division—Includes, in part, Middlesex, Surrey, and Kent.

2. *South-Eastern* division—Comprises the part of Surrey out of London, Kent, Sussex, Hampshire, and Berkshire.

3. *South-Midland* division—Consists of Bedfordshire, Cambridgeshire, Hertfordshire, part of Middlesex out of London, Buckinghamshire, Oxfordshire, Northamptonshire, and Huntingdonshire.

4. *Eastern* division—Essex, Suffolk, and Norfolk.

5. *South-Western* division—Somersetshire, Wiltshire, Dorsetshire, Devonshire, and Cornwall.

6. *West-Midland* division—Worcestershire, Warwickshire, Gloucestershire, Herefordshire, Shropshire, and Staffordshire.

* Since the foregoing was in type the "Public Worship" portion of the Census has been issued by the Registrar-General. It consists of a report of surpassing interest, with a series of elaborate tables, both by Mr. Horace Mann, to whom was confided this part of the inquiry. An abridgement has been published by Routledge and Co. in a cheap form, and has obtained already a deservedly wide circulation.

7. *North-Midland* division—Nottinghamshire, Lincolnshire, Rutlandshire, Leicestershire, and Derbyshire.

8. *North-Western* division—Cheshire and Lancashire.

9. *Yorkshire* division—East Riding, City of York, North Riding, and West Riding.

10. *Northern* division—Cumberland, Northumberland, Durham, and Westmoreland.

11. *Welsh* division—Monmouthshire, North Wales, and South Wales.

12 and 13. *Scotland*—Consists of two great natural divisions, corresponding, to some extent, with the Highlands and Lowlands, separated by a line running from the Clyde to the Tay.

14th division—Comprises the Islands in the British Seas.

England was thus divided into ten great topographical divisions; Wales, including Monmouthshire, was constituted a division by itself; Scotland was divided into two divisions; and the Islands in the British Seas formed a small division by themselves.

The Report here enters into a detailed description of the plan of publication. The Census had been so printed that the whole of the statistics of any one of the divisions might be separately procured, and bound in a single volume. Each of the fourteen divisions was accompanied by a map of the districts and counties of which it was comprised, and an elaborate divisional index; and, moreover, the publication included a general index to the multifarious contents of the Census.

The number of persons absent from Great Britain and Ireland on the night of the Census was about a quarter of a million, viz., army, navy, marine and merchant service, belonging to Great Britain, 162,490; belonging to Ireland, 49,704; and British subjects resident or travelling in foreign countries, 33,775. The latter were distributed as follows:—France, 20,357; Belgium, 3,828; Russia, 2,783; Two Sicilies, 1,414; Turkey, 1,235; Sardinian States, 1,069; Greece, 1,068; Mexico, 755; China, 649; Saxony, 321; Alexandria, 155; Cairo, 85; Persia, 33; Tripoli, 23.

The population of a country is subject to considerable displacements; thus, in the summer time, during the hay, corn, and hop harvests, a large number of the labouring and vagrant classes wander about and sleep in fields, in barns, and in sheds, or under trees and tents. The Irish, in particular, cross the channel in large numbers before harvest, and afterwards return home. Business, fairs, festivals, sessions, assize, fashion, watering-places, railways, and great works of every kind, displace the people; and it is impossible to take the Census at any period of the year when some of these disturbing causes are not in operation. It was considered, on the whole, that no better day in 1851 could be fixed on than the last day of March, which was also the month in which the *first* Census of Great Britain was taken.

The Great Exhibition, in 1851, which attracted persons to London from all countries, produced a greater and more general movement of the population than had ever before been witnessed in the times of which there are authentic records.* The number of *visits* to the Crystal Palace, which was opened on the 1st of May, and closed on

* It is stated incidentally, in the Census, that in 1845 a million and a-half of people on the continent visited, in pilgrimage, the *Holy Coat at Treves*.

the 15th of October, were 6,039,195, and it has been estimated that the number of *persons* who visited it was 2,000,000. On one day 109,915 persons entered the building. It was not, however, considered that an unusual number of foreigners were in England in *March*, when the Census was taken; for a return made to the Home Office, under the Alien Act, shows the landing of only 65,233 aliens in the year.

SECTION II.—POPULATION.

The number of people in Great Britain and the small adjacent Islands, in 1851, was 20,959,477; and the men in the army, navy, and merchant service, and East India Company's service, abroad, on the passage out, or round the coasts, belonging to Great Britain amounted, on the same day, to 162,490. The population of Great Britain may, therefore, be set down at *twenty-one millions, one hundred and twenty-one thousand, nine hundred and sixty-seven* (21,121,967).

The annexed table exhibits the distribution of the people:—

TABLE I.—*Population of Great Britain in 1851.*

	Males.	Females.	Total.
England	8,281,734	8,640,154	16,921,888
Scotland	1,375,479	1,513,263	2,888,742
Wales	499,491	506,230	1,005,721
Islands in the British Seas.....	66,854	76,272	143,126
Army, Navy, and Merchant Seamen.....	162,490	....	162,490
 Total	10,386,048	10,735,919	21,121,967

British subjects in foreign states are not included in the general population, as given in the preceding table, the exiles and foreign subjects in Great Britain being considered a set-off against them.

“It is difficult,” says the Report, “to form any just conception of these large numbers, for men are rarely seen in large masses, and when seen, their numbers are seldom known. It is only by collecting, as in other cases of measuring, the units into masses, these masses into other masses, and thus ascending progressively to an unit comprehending all others, that the mind attains any adequate notion of such a multitude as a *million* of men. Thus, from a file of *ten persons*, which the eye takes in at one view, the mind readily conceives ten such groups, or a *hundred*; and again ascending to ten hundred, or a *thousand*; to ten thousand, or a *myriad*; to ten myriads, or a *hundred thousand*; and to ten hundred thousand, or a *million*—arrives at a conception of the *twenty-one millions* of people which Great Britain contained within its shores on the night of the 30th of March, 1851. Another way of arriving at this conception is by considering the numbers in relation to space; as 4,840 persons might stand without crowding on the 4,840 square yards in an acre, 3,097,600 persons would cover a square mile (equal to 640 acres); and the twenty-one millions of people in Great Britain, allowing a square yard to each person, would therefore cover seven square miles.”

“The building of the Great Exhibition in London,” continues the Report, “enclosed 18 acres, and 50,000 or 60,000 persons often

entered it daily; on the 9th of October, 93,224 persons filled its floor and galleries, and could almost be surveyed by the eye at one time. Of 100,000 persons, a general notion can therefore be formed by all those who witnessed this spectacle at the Crystal Palace; it is a number greater than were ever, at one time, in the building but somewhat less than the greatest number (109,915) that ever entered it on one day, the 7th of October. The population then of Great Britain, including men, women, and children, exceeds 211 *hundred thousands*; and at the rate of a hundred thousand a-day, could have passed through the building in 211 days; the English, as they were 169 *hundred thousand*, in 169 days; the Welsh, 10 *hundred thousand*, in 10 days; the Scotch, 29 *hundred thousand*, in 29 days; the 143,126 Islanders in the British Seas, and the 162,490 soldiers, seamen, and others absent from the country when the Census was taken, in 3 days." In 1801, the population of Great Britain amounted, in round numbers, to 109 *hundred thousands*, and could have passed through a similar building in 109 days; consequently, 102 days of such a living stream represents the *increase* of the British people during the last half century.

Striking as are the foregoing illustrations of the number of inhabitants in Great Britain, another perhaps is wanting to enable the popular mind adequately to appreciate 21 *millions* of people.

It is well known that to *mass* quantity is to conceal bulk; thus it was stated the other day, that the whole of the vast yields of California and Australia, melted down into a solid mass of gold, would only fill a tolerable-sized room: and so it is with numbers. A general, wishing to conceal the strength of his army, forms it into masses.

Now, if all the people of Great Britain had to pass through London in procession, four abreast, and every facility was afforded for their free and uninterrupted passage, during 12 hours daily, sundays excepted, it would take nearly three *months* for the whole population of Great Britain to file through, at *quick march*, *four* deep. To count them singly, at the rate of one a second, would take a year and a half, assuming that the same number of hours daily were occupied, and that sundays also were excepted.

It has been stated that, in a future publication, the ages of the population will be given, their condition and occupations. As regards age, they will be arranged in quinquennial sections, that is, in sections advancing by periods of five years each, from children in arms to the age of ninety and upwards. The people will then be classed in sections, as husbands, wives, widowers, widows, bachelors, and spinsters; again, they will be grouped, first, according to place of residence, and subsequently, under the countries and counties in which they were born; and, finally, they will be arranged in professions or occupations, from the prince to the peasant; paupers, prisoners, lunatics, and vagrants, being severally grouped; and, as the survey will extend over thousands in more than a thousand different callings, it is evident that, as the greatest exhibition of modern times only displayed a small part of the produce of the labours of the people, so the visitors to it only represented a fraction of the multitudinous population of these islands, which the enumerators found so variously occupied on the sea, on rivers, and on the coasts; in the valleys and on the hills;

in cities, towns, villages, and solitary habitations over the face of the country.

The number of the male population of Great Britain, excluding those absent in foreign countries, was 10,223,558, and the female population 10,735,919; consequently the females were in excess of the males by 512,361, or as many as would have filled the Crystal Palace five times over; how many of these were spinsters, cannot be known until the second portion of the Census is published. The proportion between the sexes in 1851 was 100 males to 105 females, or about the same as in 1801.

The *births* during the last thirteen years give a reversed proportion, viz., 105 *boys* to 100 *girls*. How much the change in the proportions, and the subsequent disparity of the numbers in the two sexes, is due to emigration, or to a difference in the degree of the dangers and diseases to which they are respectively exposed, will be discussed when the numbers of males and females living at different periods of life are compared. The disparity in the proportions of the sexes is greatest in Scotland, there being no less than 110 females to 100 males in that country.

The following table gives the population of Great Britain and the Islands of the British Seas, including the army, navy, and merchant-seamen, abroad, as enumerated at each Census from 1801 to 1851, inclusive:—

TABLE II.—Population of Great Britain as enumerated at each Census, from 1801 to 1851, inclusive.

Years.	Males.	Females.	Total.
1801.....	5,368,703	5,548,730	10,917,433
1811.....	6,111,261	6,312,859	12,424,120
1821.....	7,096,053	7,306,590	14,402,643
1831.....	8,133,446	8,430,692	16,564,138
1841.....	9,232,418	9,581,368	18,813,786
1851.....	10,386,048	10,735,919	21,121,967

It will be seen by the foregoing table that the population of Great Britain has nearly doubled since the commencement of the present century, notwithstanding the great number that have annually left the country, and settled and multiplied into millions in the United States, in the colonies of North America, Australia, and South Africa. The increase in the last fifty years has been 93.47 per cent., or at the rate of 1.329 per cent. annually, the increase of each sex being about equal.

The annual *rate* of increase has varied in each decennial period; thus, in 1841-51, the population has increased, but the *rate* of increase has *declined*, chiefly from accelerated emigration.

The emigration from Great Britain and *Ireland* in the ten years 1821-31 was 274,317; in the ten years 1831-41 it amounted to 717,913; and in the ten years 1841-51 it had increased to 1,693,516.

It has been shown by Dr. Farr, in his English Life Table, that the half of a generation of men of all ages passes away in *thirty* years, and that three in every four of their number die in *half* a century.

Taking emigration and other movements of the population into account, it is probable that of the 21,121,967 persons in Great Britain in 1851, 2,542,289 were born prior to the Census of 1801, and were enumerated on that occasion. At the present rate of mortality, a few of the present generation will be alive a century hence.

If the population of Great Britain continues to increase uniformly at the same rate that it has done from 1801 to 1851, it will double itself every $52\frac{1}{2}$ years.

SECTION III.—LAW OF POPULATION.

The increase of population depends on many varying elements, but it is not intended here to discuss at any length what is termed the *Law of Population*.

The increase or decrease of a people depend upon the age of marriage, the age of parents when children are born, the numbers who marry, the fertility of the marriages, the duration of life, and the activity of the migration flowing into or out of the country. These influences act more or less upon each other. The Report here indicates the effect of a change in each element while the others remain constant.

1. "The numbers of the population bear a definite relation to the duration of life, or to the mean lifetime. Thus, if the mean lifetime of a population is 30 years, then if the births are 100,000 a-year, and remain uniform, the population will be 30 times 100,000, or 3,000,000. Now, the births remaining the same, let the lifetime be gradually extended to 40 years, then the population will become 4,000,000; or if the lifetime is extended to 50 years, the population, from the extension of life alone, will rise from *three* to *five* millions. The deaths, upon this hypothesis, will be equal to the births, and the same in number when the population is *five* as when it is four or three millions. It is probable that the mean lifetime of the great body of the population did increase from the year 1801 to 1821, when the increase of population was greatest in Great Britain."

2. "The interval from the birth of one generation to the birth of their descendants of the generation following, bears also a definite relation to the numbers, which increase as the interval is shortened. Thus, if the population increases at the rate of 1·329 annually, and if the intervening time from generation to generation is $33\frac{1}{2}$ years, it follows that the increase from generation to generation is 55 per cent., or that every 1,000 women are succeeded, at the interval of $33\frac{1}{2}$ years, by 1,553 women; every two couples, male and female, by *three*. If the interval is contracted, and the increase from 1,000 to 1,553 takes place in 30 years, the annual rate of population increases, from 1·329 to 1·477 per cent.; and as we assume by hypothesis that the births and the lifetime remain the same, the population would be ultimately one-ninth part more numerous than it was under the former conditions. Early marriages have the effect of shortening the interval between generations, and tend in this way to increase the population."

3. "An increase in the fertility of marriages will evidently cause an increase in the population."

4. "In ordinary times, a large proportion of the marriageable

women of every country are unmarried, and the most direct action on the population is produced by their entering the married state. Thus, in the South-Eastern division, comprising Surrey, Kent, Sussex, Hants, and Berks, the number of women of the age of 20 and under the age of 45, amounted, at the last census, to 290,209, of whom 169,806 were wives, and 120,403 were widows or spinsters. 49,997 births were registered in the same counties during the year 1850, or 10 children were born in 1850 to every 58 women living in 1851. Of the children, 46,705 were born in wedlock, 3,292 were born out of wedlock; consequently, 36 wives bore in the year *ten* children, and of 366 unmarried women of the same age (20-45), *ten* also gave birth to children. A change in the matrimonial condition of a large proportion of the 120,403 unmarried women, out of 290,209 women at the child-bearing age, would have an immediate effect on the numbers of the population; and, if continued, by increasing the rate of birth to the living through successive generations, would operate on population like a rise in the rate of interest on the increase of capital."

5. "The effect of migration on the numbers of the population is evident. It is probable that the immigration of Irish has contributed to the increase of the population in England, and it is certain that the emigration from the United Kingdom contributes largely to the increase of the population of the United States. The emigrants are a self-perpetuating body in healthy climates, and they increase faster abroad than the general population at home, as they contain an excess of the population at the reproductive age; so that, if their numbers are added together, it is certain that we get, in the aggregate, a number much below the actual number of survivors. The population of Great Britain and Ireland, including the army, navy, and merchant-seamen, was 21,272,187 in 1821, and about 27,724,849 in 1851; but in the interval, 2,685,747 persons emigrated, who, if simply added to the population of the United Kingdom, make the survivors and descendants of the races within the British isles in 1821, now (in 1851) 30,410,595."

6. "The numbers of the population are increased by an abundance of the necessaries of life, and reduced by famines, epidemics, and public calamities, affecting the food, industry, and life of the nation. The pestilences of the middle ages—the famine, the influenza, and the cholera of modern times—are examples of one class of these agencies; the security and freedom which England has latterly enjoyed, are examples of the beneficent effect of another class of influences, not only on the happiness of the people, but also on the numbers which the country can sustain at home and can send abroad to cultivate, possess, and inherit other lands."

The extent to which all these causes affect the increase of population of Great Britain, will ultimately be known by means of a continuous series of such observations as have been commenced at the present census.

SECTION IV.—FAMILIES AND HOUSES.

We have hitherto been considering *individuals*; we will now examine aggregations of individuals into families.

The term "family" may be defined in various ways. It consists

of a head and of dependent members living together in the same dwelling. But the head of a family may be either a husband and wife, a widower, a widow, a bachelor, or a spinster; and the members may be children, relatives, visitors, and servants.

In the Act for taking the Census of 1851, the term "occupier" was substituted for the word "family," as being less open to misconstruction. "Occupiers," therefore, represent the "families" of previous censuses. By this substitution, bachelors and spinsters were not likely to escape enumeration as *families*, which was probably not unfrequently the case in former censuses.

It is so natural that a family should live in a separate house, that the term house is often used for family. This isolation of families in separate houses is carried to a greater extent in England than elsewhere. A German naturalist, Dr. Carus, physician to the King of Hanover, in a description of the English people in 1844, has the following remarks on English dwellings:—

"I cannot take leave of the subject without a remark on English dwelling-houses, which stand in close connection with that long-cherished principle of separation and retirement lying at the very foundation of the national character. It appears to me to be this principle which has given to the people that fixity of national character and strict adherence to the historical usages of their country by which they are so much distinguished; up to the present moment, the Englishman still perseveres in striving after a certain individuality and personal independence—a certain separation of himself from others, which constitutes the foundation of his freedom. It is this that gives the Englishman that proud feeling of personal independence which is stereotyped in the phrase 'Every man's house is his castle.'"

"The expression, however, receives a true value when, by the mere closing of the house-door, the family is able, to a certain extent, to cut itself off from all communication with the outward world, even in the midst of great cities. In English towns or villages, therefore, one always meets either with small detached houses, merely suited to one family, or apparently large buildings, extending to the length of half a street, sometimes adorned like palaces on the exterior, but separated by partition-walls internally, and thus divided into a great number of small high houses, for the most part three windows broad, within which, and on the various stories, the rooms are divided according to the wants or convenience of the family; in short, therefore, it may properly be said that the English divide their edifices *perpendicularly* into houses, whilst we Germans divide them *horizontally* into floors. In England, every man is master of his hall, stairs, and chambers, whilst we are obliged to use the two first in common with others."*

The possession of an entire house is strongly desired by every Englishman. But on the continent the crowding of the middle and higher classes, who sleep in flats, is carried to a great excess, particularly in the capitals. The department of the Seine, for instance, in 1835, had, on an average, twenty-two persons to a house; whilst

* The King of Saxony's Journey through England and Scotland in the year 1844. By Dr. C. G. Carus. Translated by S. A. Davison, Esq.

in densely populated London, in 1851, there were barely eight persons to a house.

In enumerating the houses, some definition of the term was required. "Flats" in Glasgow were returned as houses in every Census from 1801 to 1841; but in Edinburgh, the practice was to return the houses separated by party-walls, without any reference to the "flats" which they contained. In 1851, the question was carefully considered. The flat in Scotland is generally very different from the floor of an ordinary English house, and the holder enjoys all the advantages of the holder of a house, except the exclusive command of the entrance-hall and stairs. Nevertheless, the definition adopted was "isolated dwellings, or dwellings separated by party walls."

The subjoined table gives the number of houses in England, Scotland, Wales, and the Islands in the British Seas respectively, in 1851:—

TABLE III.—Houses in Great Britain in 1851.

	Houses			
	Inhabited.	Uninhabited.	Building.	Total.
England	3,076,620	144,499	25,192	3,246,311
Scotland	370,308	12,146	2,420	384,874
Wales	201,419	8,935	1,379	211,793
Islands	21,845	1,095	203	23,143
Total.....	3,670,192	166,735	29,194	3,866,121

It would appear by the preceding table that about 4 per cent. of the houses in Great Britain were unoccupied in 1851, and that to every 131 houses, inhabited or uninhabited, there was one in course of erection in that year.

The following table gives the number of inhabited houses and the number of families in Great Britain at each Census, from 1801 to 1851, inclusive; also the number of persons to a house, and the number of persons to a family:—

TABLE IV.—Inhabited Houses and Families in Great Britain at each Census, from 1801 to 1851, inclusive.

Years.	Inhabited Houses.	Families.	Persons to a House.	Persons to a Family.
1801.....	1,870,476	2,260,802	5·614	4·645
1811.....	2,101,597	2,544,215	5·696	4·705
1821.....	2,429,630	2,941,383	5·800	4·791
1831.....	2,850,937	3,414,175	5·704	4·763
1841.....	3,446,797	(no returns)	5·377	(no returns)
1851.....	3,648,347	4,312,388	5·706	4·825

NOTE.—This table does not include the Islands in the British Seas.

It will be seen by the foregoing table that the number of inhabited houses in Great Britain have nearly doubled in the last half

century, and that upwards of two millions of new families have been founded; the number of persons to a house have increased from 5·6 to 5·7; consequently the increase in the number of houses has not quite kept pace with the increase in the population. The increase in the number of persons to a family, in the same period, has been from 4·6 to 4·8.

The number of families to a house varied considerably in different counties, and it is difficult to account for all the anomalies which are presented. In Essex, Suffolk, and Norfolk, few houses contained more than one family. Plymouth and the adjacent districts had more than two families, together averaging ten persons, to a house. In Worcestershire, Warwickshire, Gloucestershire, Herefordshire, Shropshire, and Staffordshire, a large proportion of the people lived in separate houses, with the exception of Bristol, Clifton, Gloucester, Hereford, and Birmingham. In the counties of Leicester, Rutland, Lincoln, Nottingham, Derby, and Yorkshire, nearly all the families lived in separate houses, the city of York, and Hull being scarcely exceptional cases to the rule. In Lancashire and Cheshire, more than 300,000 out of 472,907 families lived in separate houses. Liverpool, Bolton, Manchester, and Salford, were the chief places where two or more families in many cases occupied the same house. In the northern division of England, comprising Cumberland, Northumberland, Durham, and Westmorland, the proportional number of families and persons to a house increased.

In Wales, the system of isolated dwellings generally prevailed, with some few exceptions.

In Scotland, the plan of dividing the houses into flats was not confined to cities; consequently, the proportional number of families and of persons to a house greatly exceeded the average of England. In Glasgow, the number of families to a house was 5·4; of persons to a house, 27·5. In Edinburgh, the number of families to a house was 4·2, and of persons to a house, 20·6. In all Scotland, the number of persons to a house was 7·8, or about the same as in London. In England and Wales, the number of persons to a house was only 5·5.

"In order to throw some light," says the Report, "on the constituent parts of families, the returns of fourteen sub-districts in different parts of the kingdom were analyzed. Of 67,609 families, 41,916 heads of families were husbands and wives, 10,854 widowers or widows, and 14,399 bachelors or spinsters; in 440 cases the head of the family was absent from home; 36,719 heads of families, or more than half, had children living with them; 7,375, or nearly a tenth, had servants; 4,070, or a seventeenth, had visitors with them; 8,543 had relatives with them; and 1,020 had apprentices or assistants in their respective trades. Of the 67,609 families, only 3,503, or 5·2 per cent., consisted of husband, wife, children, and servants, generally considered the requisites of domestic felicity; whilst 4,874 consisted of man, wife, and servants. The heads in 24,180 instances had neither children, relatives, visitors, nor servants; like some corporations, they might be characterized as 'sole,' man and wife being considered one. 14,399 families, or occupiers, were either bachelors or spinsters." A number of other combinations are given, far too numerous to mention.

The number of children at home in families varied considerably. Of the 41,916 families having man and wife at their head, 11,947 had no children at home; 8,570 had each *one* child at home; 7,376 had each *two* children at home; 5,611 had each *three* children at home; 4,027 had each *four* children at home; and so forth in a decreasing scale, until we come to 14 families having each *ten* children at home; 5 having each *eleven* children at home; and 1 having *twelve* children at home. These results applied to Great Britain generally would indicate that 893 families had each *ten* children at home, 317 had each *eleven*, and 64 had each *twelve* children at home; nevertheless, the average number of children at home in families did not exceed two; thus showing, that however violent may be the fluctuations in a small number of observed facts, the average is not disturbed if the area of observation is sufficiently extended.

A certain portion of the people, for various reasons, are lodged in detached large buildings, such as barracks, prisons, workhouses, lunatic asylums, hospitals, asylums, and the like; in these the family organization is broken up, and the inmates are under the rule of certain governing bodies.

The annexed table gives the number and class of such public institutions in Great Britain, in 1851, and the number of persons inhabiting them:—

TABLE V.—*Public Institutions in Great Britain in 1851.*

Class of Institution.	Number.	Persons inhabiting them.		
		Males.	Females.	Total.
Barracks	174	44,833	9,100	53,933
Workhouses	746	65,786	65,796	131,582
Prisons	257	24,593	6,366	30,959
Lunatic Asylums	149	9,753	11,251	21,004
Hospitals	118	5,893	5,754	11,647
Asylums, &c.	573	27,183	19,548	46,731
Total	2,017	178,041	117,815	295,856

Of the 295,856 persons in the aggregate occupying these 2,017 institutions, 260,340 were inmates, and 35,516 officers and servants; consequently, there were about seven inmates to one officer or servant.

The excess of males over females in these institutions, about 60,000, is chiefly exhibited in the barracks and in the prisons; in the latter, from the fact that crime is four times as prevalent among men as among women.* The equality of the sexes in workhouses is remarkable. In the lunatic asylums there is a preponderance of females.

The population sleeping in barns, in tents, and in the open air, is comprised chiefly of gipsies, beggars, criminals, and the like, together with some honest but unfortunate people out of employment, or only temporarily employed. The number of these houseless classes in 1851 was 18,249; in 1841 they amounted to 22,303. It is mentioned

* Vide Mr. Redgrave's valuable Criminal Tables.

as a curious trait of gipsy feeling, that a whole tribe struck their tents, and passed into another parish, in order to escape enumeration.

The subjoined table gives the number of persons enumerated in barns, tents, and barges, and in vessels in ports, either engaged in inland navigation or sea-going vessels, on the night of the Census of 1851:—

TABLE VI.—*Persons in Barns, Tents, Barges, and Vessels, in Great Britain, on the Night of the Census, in 1851.*

	Males.	Females.	Total.
In Barges	10,395	2,529	12,924
In Barns	7,251	2,721	9,972
In Open air, in Tents	4,614	3,663	8,277
In Vessels in the Ports, engaged in Inland Navigation	7,730	845	8,575
In Sea-going vessels in the Ports	41,165	2,008	43,173
Total	71,155	11,766	82,921

SECTION V.—TOWNS.

Having explained the constitution of families, we will now consider the distribution of families in houses over the surface of the country. Isolated habitations may be hovels, cottages, farm-houses, villas, mansions, palaces, institutions, and the like; these, when thrown into rows, streets, crescents, squares, &c., form villages, towns, and cities.

Two general laws appear to operate upon the location of families—one tending to their equable diffusion, the other to their condensation round certain centres; thus families cluster round a certain point, and villages are formed. In conformity with the same law, these villages form round other centres, and towns are formed; and these again, at wider intervals, round other centres, and cities are formed.

In 1851, Great Britain contained 815 towns of various magnitudes, either market towns, county towns, or cities; 580 were in England and Wales, 225 in Scotland, and 10 in the Channel Islands. The population of these 815 towns was 10,556,288; the population in the rest of Great Britain was 10,403,189; consequently, if detached houses, villages, and small towns without markets, are called *country*, the *town* and *country* populations of Great Britain may be considered equal. The density in the *country* was 120 persons to the square mile; in the towns, 3,337, or about 28 times as many.

The average population of each town in England and Wales was 15,501; of each town in Scotland, only 6,654, or less than a half that of the English town. The average ground-area of the English town is $4\frac{3}{4}$ miles, and forms the centre of an area of 101 square miles. "Conceive," says the Report, "58,320 square miles, the area of England and Wales, divided into 583 squares, each containing 25 square figures of 4 square miles; a market town in the central square, containing 15,501 inhabitants, and the 24 similar squares

arranged symmetrically around it in villages, containing churches and chapels and houses, holding in the aggregate 16,000 inhabitants. Now imagine the figures to be of every variety of form as well as size, and a clear idea is obtained of the way that the ground of the Island has been taken up and is occupied by the population."

The 815 towns are grouped round 87 county towns, viz., 52 in England, 32 in Scotland, and 3 chief towns in the Islands in the British Seas; consequently, each of the county towns is surrounded, on an average, by nine other towns, extending over a circle about 35 miles in diameter.

A certain proportion of towns has acquired an adventitious, but extraordinary, importance and magnitude, as compared to the general system of towns which pervade every county. They have been created and are sustained by special circumstances for special purposes, and are either places of public resort, as watering-places, or ports, or seats of mining and manufacturing enterprise. Such, for example, are Brighton, Bath, Cheltenham, Portsmouth, Southampton, Plymouth, Birmingham, and Wolverhampton; Liverpool, Manchester, and many other large towns in Lancashire; Sheffield, Leeds, Bradford, and Hull; Newcastle-upon-Tyne, Merthyr Tydvil, and Glasgow. In advanced periods of British history, several of these were villages; but with the progress of industry, the extension of commerce, the increase of wealth, and the aggrandisement of the empire, they have grown, and, in some cases, have almost acquired a metropolitan character.

Great Britain contained in 1851 *seventy* towns of 20,000 inhabitants and upwards, amounting in the aggregate to 34 per cent. of the total population of the country; whereas, in 1801, the population of such towns amounted to 23 per cent. only of the enumerated population, thus showing, in a marked degree, the increasing tendency of the people to concentrate themselves in masses. London extends over an area of 78,029 acres, or 122 square miles, and the number of its inhabitants, rapidly increasing, was two millions three hundred and sixty-two thousands two hundred and thirty-six (2,362,236) on the day of the last Census. A conception of this vast mass of people may be formed by the fact that, if the metropolis was surrounded by a wall, having a north gate, a south gate, an east gate, and a west gate, and each of the four gates was of sufficient width to allow a column of persons to pass out freely *four* abreast, and a peremptory necessity required the immediate evacuation of the city, it could not be accomplished under *four-and-twenty* hours, by the expiration of which time the head of *each* of the four columns would have advanced a no less distance than *seventy-five miles* from their respective gates, all the people being in *close file, four deep*.

SECTION VI.—DENSITY AND PROXIMITY OF POPULATION.

By comparing the numbers of the population with the area of the soil, we determine the density or proximity of the population. A French writer has proposed the term "specific population," after the analogy of "specific gravity," much in use in scientific works. The terms in common use, "thinly populated," and "populous," express the same idea, but in general terms.

The area of a large portion of the parishes and townships, and of the tidal rivers and estuaries in England, was computed from the maps in the Tithe Office, under the direction of Major Dawson, R.E.; and a report by that officer is included in the publication. The areas of the remaining parishes were taken from the enumeration volumes of 1831, as estimated by Mr. Rickman.

The following table shows the area of Great Britain in statute acres and square miles, also the number of acres to a person, the number of persons to a square mile, and the mean proximity of the population on the hypothesis of an equal distribution:—

TABLE VII.—*Area of Great Britain and Density of Population in 1851.*

	Area.		Square (in Miles.)	Acres to a Person.	Persons to a Square Mile.	Proximity of Persons in Yards.
	In Statute Acres.	In Square Miles.				
England....	32,590,429	50,922	226	1·9	332	104
Scotland....	20,047,462	31,324	177	6·9	92	197
Wales.....	4,734,486	7,398	86	4·7	135	162
Islands	252,000	394	20	1·8	363	99
Great Britain }	57,624,377	90,038	299	2·7	233	124

The ratio, or proportion in size, of the squares in the third column is, England 51, Scotland 31, Wales 7, and islands $\frac{2}{5}$; and the ratio of the population is about 17, 3, 1, and $\frac{1}{7}$.

The 624 districts of England and Wales, classed in an order of density, range from 185,751 persons to the square mile, in the east London district, to 18 only in Northumberland. In all London, the number of persons to a square mile, in 1851, was 19,375. In 1801, the people of England were on an average 153 yards asunder; in 1851, only 108 yards asunder. The mean distance between their houses in 1801 was 362 yards; in 1851, only 252 yards. In London, the average proximity in 1801 was 21 yards; in 1851, only 14 yards.

SECTION VII.—ISLANDS.

The British population is spread over a great multitude of islands which rise between the Atlantic Ocean and the North Sea, the large Island of Great Britain being the chief of the group. This island is surrounded by the Isle of Man, Anglesey, the Scilly Islands, the Isle of Wight, the outlaying Channel Islands, the Shetland Islands, the Orkneys, and the Hebrides. Five hundred islands have been numbered, but inhabitants were only found on one hundred and seventy-five islands on the day of the census in 1851.

In the earliest period of our written history, these islands were peopled by Celts; Britain was their holy island, and the seat of their schools and most sacred groves. The isles of Anglesey and Man, both known under the name of Mona to the Romans, were the seats of the Druidic hierarchy and worship. Iona, or Icolmkill, a small island in the Hebrides, now containing 604 inhabitants, is celebrated as an early seat of Christianity. It was the station of St. Columba,

who founded an order of missionaries there, and thus contributed to the diffusion of Christianity over Britain. The celebrated ruins on the island consist of a cathedral, a nunnery, and St. Oran's chapel, together with many ancient tombs and crosses; this island is often visited by tourists to the Western Highlands, and is only ten miles from the far-famed Staffa.

The population of the Island of Great Britain has been stated to be 20,536,357; Ireland, as enumerated by another department, contained 6,553,357 inhabitants; Anglesey, the next most populous island in the group, had 57,318 inhabitants; Jersey, 57,020; the Isle of Man, 52,344; the Isle of Wight, 50,324; Guernsey, 29,757; Lewis, 22,918; Skye, 21,528; Shetland, 20,936; Orkney, 16,668; Islay, 12,334; Bute, 9,351; Mull, 7,485; and Arran, 5,857; 17 islands contained a population ranging from 4,006 to 1,064; 52 had a population ranging from 947 to 105; and the remaining 92 inhabited islands ranged from a population of 92 downwards, until at last we come to an island inhabited by one solitary man.

The British Isles extend over 11 degrees of latitude and 10 degrees of longitude; consequently, in the most northerly of the Shetlands, the night in the summer solstice is three hours shorter than in Jersey; and the sun rises and sets on the east coast of England 47 minutes before it rises and sets on the west coast of Ireland.

SECTION VIII.—TERRITORIAL SUB-DIVISIONS.

The Report here investigates, at great length, the territorial distribution of Britain from the earliest times, including the divisions made by the Romans and Saxons successively, and the state of things under the Heptarchy. It traces the division of the country into shires, hundreds, and tythings, to Alfred the Great; and the circuits to Henry II. (A.D. 1179). The counties in each circuit were enumerated in the annals of the times, and the names of all the existing counties appear, except five.

The shire is an important sub-division of the kingdom; each has a lord-lieutenant, who is also keeper of the archives; a sheriff, an under-sheriff, and justices of the peace, all appointed by the Crown; each shire has also a county treasurer and a clerk of the peace, each appointed by the lord-lieutenant; and a county coroner, elected by the freeholders. The revenue of the shires is chiefly derived from rates struck by the justices of peace in counties at quarter sessions, and is for the most part appropriated in maintaining bridges, lunatic asylums, gaols, prisoners, and police.

The terms "hundreds" and "tythings" had their origin in a system of numeration, but whether they represented persons, families, or holdings, is difficult to determine. In process of time, what was once a *number* became a *name*, and for a long period the terms have ceased to measure either area or population, as is evidenced by the fact that the hundreds in the survey after the Conquest, and the hundreds still remaining, differ widely in both elements, and, moreover, the present hundred is different in extent in the various counties; for instance, in Gloucestershire, the hundred contains on an average 29,000 acres; in Herefordshire, 49,000; and in Shropshire, 63,000. The hide was the lot or share of the first settler.

The sessional divisions existing in all the counties of England and Wales, for the purposes of special and petty sessions, are in general based on the *hundreds* and other ancient county sub-divisions. The justices have power to alter these divisions for the convenience of holding sessions, but they have no authority to alter the ancient hundreds. There are 609 sessional divisions in England and Wales, and, for the purposes of assize and gaol delivery, eight circuits, besides the jurisdiction of the central criminal court.

A Saxon *burgh*, or borough, was a *hundred*, or an assemblage of hundreds, surrounded by a moat or wall. As ancient boroughs fell into decay, new ones sprung up, and many towns not formerly boroughs, have been created boroughs for purposes not very intelligible. The affairs of municipal boroughs are administered by a mayor, aldermen, and other functionaries.

The 196 reformed boroughs in England and Wales contain a total population of 4,345,269 inhabitants; the population of 64 range under 5,000; 43 from 5,000 to 10,000; 68 from 10,000 to 50,000; 14 from 50,000 to 100,000; 4 from 100,000 to 200,000; and 3 above 200,000. The *city* of London is still unreformed, and therefore not included in these. If inserted in the list, it would stand below Sheffield, as having a population of only 127,869 inhabitants, a *one-nineteenth* portion of the population of London; and yet, forsooth, the Corporation claim to represent the metropolis.

Scotland contains 83 royal and municipal burghs, having a total population of 752,777 inhabitants; 55 have a population under 5,000; 16 from 5,000 to 10,000; 11 from 10,000 to 70,000; and 1 148,000.

The minor sub-divisions of townships, parishes, and manors, were re-distributed by William the Conqueror, after the battle of Hastings, and apportioned among the chieftains in his army; but we must pass over these divisions for a slight notice of Ecclesiastical districts and dioceses.

The Act for the census of 1851 required the population of "Ecclesiastical districts" to be enumerated.

"The task," states the Report, "of obtaining accurately the population of the districts was one of great difficulty. Designed exclusively for spiritual purposes, their boundaries are quite ignored by the general public, and rarely known by any secular officers; while, in many cases, even the clergy themselves, unprovided with maps or plans, are uncertain as to the limits of their respective cures. Formed, too, in many cases, without reference to any existing boundaries—often by imaginary lines, which the progress of building speedily obliterates, and liable, as circumstances alter, to repeated reconstruction—it was sometimes almost impossible, with any confidence, to ascertain the real present limits of these districts. No labour, however, was spared, in order to overcome the obstacles and secure a trustworthy statement. The registrars, when apportioning their districts among the enumerators, were directed to procure as much information upon the boundaries of these new districts, as the incumbent might be able and willing to supply; and very important aid was, in this manner, readily afforded; and subsequently the accounts of population which resulted from these inquiries were

forwarded from the Census Office to the various incumbents, for their inspection and revision."

The division of the country ecclesiastically in *Dioceses*, *Arch-deaconries*, and *Deaneries*, took place at a very early period. Most of the present bishoprics were founded in Saxon times. The dioceses, on their first formation, had their limits co-extensive with the boundaries of the kingdoms of the sovereigns who formed them; but subdivisions were soon discovered to be necessary, and various princes subsequently made repeated alterations, until at length the whole arrangement settled into its existing shape.

The Census here enters into an elaborate history of the changes in the ancient boundaries of counties, parliamentary divisions of counties and boroughs. Most of the existing sub-divisions were made at an early period. Alfred has been named as the great divider of the country, and the progress and modifications of the sub-divisions throw light on the progress of the population. At this point, we appear to be perusing some deep antiquarian treatise. At length we arrive at the discussion of the recent territorial sub-divisions of the country for the administration of the poor law, and for purposes of registration; and, after reciting the inconveniences and perplexities which the variety of ecclesiastical, military and civil, fiscal and judicial, ancient and modern, municipal and parliamentary sub-divisions of the country occasions, the Report urges the adoption of a uniform system of territorial divisions in Great Britain, and concludes by the following summary of the contents and general results of the census.

SECTION IX.—GENERAL RESULTS OF THE CENSUS.

"The inquiry exhibits, up to the present time, the area and the population of every county, town, parish, township, or place, having a defined boundary, at the date of each of the six censuses that have been taken since the year 1801, as well as the proportions of the sexes and the rate of increase of the population. The constituent parts of the English family are then indicated, as well as the proportional numbers of families to dwellings. The distribution of houses and of towns of various orders over the country is shown; the populations of the towns and of the country are separately enumerated. The density and proximity of the population, on the hypothesis of equal distribution, are set forth. The origin of the territorial divisions is discussed. The population of each of the islands in the British archipelago is stated. An account is rendered of the changes and the population of the ancient sub-divisions of the country; their irregularities are pointed out; and the inaptness of the hundred, for modern purposes, is recognized. The sub-division of the counties into districts or unions, and sub-districts, under the acts for the amendment of the poor law and for the registration of births, deaths, and marriages, is described, by which, with the addition of the small districts which were allotted to each enumerator in taking the census, a series is formed of nine orders of territorial division, each including all that precede it,—house, enumeration district, township (or parish), sub-district, district (or union), county, division, country—as England and Wales, or Scotland, and, finally, Great Britain."

"The most important result which the inquiry establishes, is the addition, in half a century, of *ten millions* of people to the British population. The increase of population, in the half of this century, nearly equals the increase in all preceding ages; and the addition, in the last ten years, of *two millions three hundred thousand* to the inhabitants of these islands, exceeds the increase, in the last *fifty* years, of the eighteenth century. Contemporaneously with the increase of the population at home, emigration has proceeded, since 1750, to such an extent as to people large states in America, and to give permanent possessors and cultivators to the land of large colonies in all the temperate regions of the world, where, by a common language, commercial relations, and the multiplied reciprocities of industry, the people of the new nations maintain an indissoluble union with the parent country. Two other movements of the population have been going on in the United Kingdom,—the immigration of the population of Ireland into Great Britain, and the constant flow of the country population into the towns. The current of the Celtic migration is now diverted from these shores, and chiefly flows in the direction of the United States of America, where the wanderers find friends and kindred. The movement of the country population to the towns went on unnoticed by the earlier writers, and it has never yet been clearly exhibited; but it is believed that the tables of the birth-place of the inhabitants of the towns and countries will determine its extent and character. It is a peculiarity of this movement in these latter times that it is directed to new points, where the towns engage in a manufacture as one vast undertaking, in which nearly the whole population is concerned, as well as to the county towns and to London.

"Amidst all these great and unexampled changes in the population, two questions arise of great importance: 'Can the population of Great Britain be sustained at the rate of emigration which is now going on, and which will probably be continued, for many years?' To assist in solving this problem, the new question of 'matrimonial condition' will enable us to show, in the final publication, the comparative numbers of unmarried and married men and women in the country at each age of life, in each district. The solution of a different question of equal difficulty and importance, 'Can the population of England be profitably employed?' will be facilitated by the new classification of the people at each age, according to their *Occupations*.

"It is one of the obvious physical effects of the increase of population, that the proportion of land to each person diminishes; and the decrease is such, that within the last fifty years the number of acres to *each person* living, has fallen from 5·4 to 2·7 acres in Great Britain—from *four* to *two* acres in England and Wales. As a countervailing advantage, the people have been brought into *each other's* neighbourhood; their average distance from each other has been reduced in the ratio of 3 to 2; labour has been divided; industry has been organized in towns; and the quantity of produce, either consisting of, or exchangeable for, the conveniences, elegancies, and necessities of life, has, in the mass, largely increased, and is increasing at a more rapid rate than the population.

"One of the moral effects of the increase of the people is an increase of their mental activity, as the aggregation in towns brings them oftener into combination and collision. The population of the towns is not so completely separated in England as it is in some other countries from the population of the surrounding country; for the walls, gates, and castles, which were destroyed in the civil wars, have never been rebuilt, and the population has outgrown the ancient limits, while stone lines of demarcation have never been drawn around the new centres of population; tolls have been collected since a very early period in the market-places, but the system of *octroi*, involving the examination, by customs' officers, of every article entering within the precincts of the town, has never existed. The freemen in some of the towns enjoyed, anciently, exclusive privileges of trading, but the freedom could always be acquired by the payment of fines; and by the great measure of Municipal Reform (1835), every town has been thrown open to settlers from every quarter. At the same time, too, that the populations of the towns and of the country have become so equally balanced in number—*ten millions and a half* against *ten millions and a half*—the union between them has become, by the circumstances that have led to the increase of the towns, more intimate than it was before; for they are now connected together by innumerable relationships, as well as by the associations of trade. It will be seen in the final publication that a large proportion of the population in the market-towns, the county-towns, the manufacturing towns, and the metropolis, was born in the country; and that in England, town and country are bound together, not only by the intercourse of commerce and the interchange of intelligence, but by a thousand ties of blood and affection.

"The town and the country populations are now so intimately blended, that the same administrative arrangements easily apply to the whole kingdom.

"The vast system of towns in which half the population lives, has its peculiar dangers, which the high mortality and the recent epidemics reveal. Extensive sanitary arrangements, and all the appliances of physical as well as of social science, are necessary to preserve the natural vigour of the population, and to develop the inexhaustible resources of the English race. The crowding of the people in houses in close streets, and the consequent dissolution of families, arising out of defective house-accommodation, are evils which demand attentive consideration.

"The activity of the intelligence and religious feelings of the people has led to an increased demand for instruction and for places of public worship. The extent to which this demand has been met has hitherto been imperfectly known, and is not easily determined; but we believe that, as far as the inquiry can be prosecuted in a statistical form, the returns respecting schools, literary institutions, churches, chapels, and congregations, will throw much light upon the educational institutions and the spiritual condition of the people of Great Britain."

APPENDIX.

TABLE I.

Population and Number of Houses in England, Scotland, Wales, and the Islands in the British Seas, respectively, in 1851.

	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
England....	8,281,734	8,640,154	16,921,888	3,076,620	144,499	25,192
Scotland....	1,375,479	1,513,263	2,888,742	370,308	12,146	2,420
Wales.....	499,491	506,230	1,005,721	201,419	8,995	1,379
Islands	66,854	76,272	143,126	21,845	1,095	203
Total....	10,223,558	10,735,919	20,959,477	3,670,192	166,735	29,194

TABLE II.

Population and Number of Houses in Great Britain, as enumerated at each Census from 1801 to 1851, inclusive.

Years.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
1801....	5,030,226	5,548,730	10,578,956	1,882,476	76,320	(no returns)
1811....	5,737,261	6,312,859	12,050,120	2,113,897	62,664	18,626
1821....	6,874,675	7,306,590	14,181,265	2,443,393	82,791	21,777
1831....	7,934,201	8,430,692	16,364,893	2,866,595	133,331	27,553
1841....	9,077,004	9,581,368	18,658,372	3,465,987	198,141	30,310
1851....	10,223,558	10,735,919	20,959,477	3,670,192	166,735	29,194

TABLE III.

Population and Number of Houses in England and Wales, as enumerated at each Census from 1801 to 1851, inclusive.

Years.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
1801....	4,254,735	4,637,801	8,892,536	1,575,923	57,476	(no returns)
1811....	4,873,605	5,290,651	10,164,256	1,797,504	51,020	16,207
1821....	5,850,319	6,149,917	12,000,236	2,088,156	69,707	19,274
1831....	6,771,196	7,125,601	13,896,797	2,481,544	119,915	24,759
1841....	7,777,586	8,136,562	15,914,148	2,943,945	173,247	27,444
1851....	8,781,225	9,146,384	17,927,609	3,278,039	153,494	26,571

TABLE IV.
Population and Number of Houses in Scotland, as enumerated at each Census from 1801 to 1851, inclusive.

Years.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
1801....	739,091	869,329	1,608,420	294,553	9,537	(no returns)
1811....	826,296	979,568	1,805,864	304,093	11,329	2,341
1821....	982,623	1,108,898	2,091,521	341,474	12,657	2,405
1831....	1,114,456	1,249,930	2,364,386	369,393	12,719	2,568
1841....	1,241,862	1,378,322	2,620,184	502,852	24,025	2,646
1851....	1,375,479	1,513,263	2,888,742	370,308	12,146	2,420

TABLE V.
Population and Number of Houses in the Islands of the British Seas, as enumerated at each Census from 1801 to 1851, inclusive.

Years.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
1801....	36,400	41,600	78,000	12,000	307	77
1811....	37,360	42,640	80,000	12,300	315	78
1821....	41,733	47,775	89,508	13,763	427	98
1831....	48,549	55,161	103,710	15,658	697	226
1841....	57,556	66,484	124,040	19,190	869	220
1851....	66,854	76,272	143,126	21,845	1,095	203

TABLE VI.
Population and Number of Houses in England, as enumerated at each Census from 1801 to 1851, inclusive.

Years.	Population.			Houses.		
	Males.	Females.	Total	Inhabited.	Uninhabited.	Building.
1801....	3,997,487	4,353,372	8,350,859	1,467,870	53,965	(no returns)
1811....	4,582,210	4,970,811	9,553,021	1,678,106	47,925	15,188
1821....	5,498,798	5,783,085	11,281,883	1,951,973	66,055	18,289
1831....	6,376,584	6,713,939	13,090,523	2,326,022	113,885	23,462
1841....	7,325,692	7,671,735	14,997,427	2,755,699	163,105	25,700
1851....	8,281,734	8,640,154	16,921,888	3,076,620	144,499	15,192

TABLE VII.

Population and Number of Houses in Wales, as enumerated at each Census from 1801 to 1851, inclusive.

Years.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
1801.....	257,248	284,429	541,677	108,053	3,511	(no returns)
1811.....	291,395	319,840	611,235	119,398	3,095	1,019
1821.....	351,521	366,832	718,353	136,183	3,652	985
1831.....	394,612	411,662	806,274	155,522	6,030	1,297
1841.....	447,764	463,941	911,705	188,246	10,142	1,744
1851.....	499,491	506,230	1,005,721	201,419	8,995	1,379

TABLE VIII.

Population and Number of Houses in each Division in Great Britain in 1851.

DIVISIONS.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Unin-habited.	Building.
<i>England and Wales.</i>						
1. London division	1,106,558	1,255,678	2,362,236	305,933	16,643	4,815
2. South-eastern division	809,670	818,716	1,628,386	298,054	12,573	2,492
3. South-midland division	611,288	623,044	1,234,332	246,422	9,582	1,360
4. Eastern division	549,177	564,805	1,113,982	228,843	9,849	1,254
5. South-western division	866,093	937,198	1,803,291	338,986	19,423	1,886
6. West-midland division	1,054,475	1,078,455	2,132,930	418,205	20,215	2,869
7. North-midland division	603,254	611,284	1,214,538	246,645	9,139	1,491
8. North-western division	1,215,832	1,274,995	2,490,827	435,987	21,746	4,310
9. York division	888,104	900,943	1,789,047	358,663	16,542	3,226
10. Northern division	481,981	487,145	969,126	164,694	7,201	1,310
11. Welsh division	594,793	594,121	1,188,914	235,607	10,581	1,558
<i>Scotland.</i>						
12. Southern counties.....	869,445	944,117	1,813,562	194,884	7,243	1,448
13. Northern counties	506,034	569,146	1,075,180	175,424	4,903	972
14. Islands	66,854	76,272	143,126	21,845	1,095	203

TABLE IX.

Population and Number of Houses in the Districts of London in 1851.

DISTRICTS.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Build-ing.
<i>West Districts.</i>						
1. Kensington	49,949	70,055	120,004	17,151	1,118	813
2. Chelsea	25,475	31,063	56,538	7,591	264	98
3. St. George, Hanover Square.....	31,920	41,310	73,230	8,792	450	162
4. Westminster	32,494	33,115	65,609	6,642	281	55
5. St. Martin in the Fields.....	11,918	12,722	24,640	2,307	147	11
6. St. James, Westminster	17,377	1,9029	36,406	3,399	229	5
<i>North Districts.</i>						
7. Marylebone	69,115	88,581	157,696	15,826	564	58
8. Hampstead	4,960	7,026	11,986	1,719	77	26
9. St. Pancras	76,144	90,812	166,956	18,584	808	306
10. Islington	42,762	52,567	95,329	13,528	659	549
11. Hackney	25,083	33,346	58,429	9,818	506	193
<i>Central Districts.</i>						
12. St. Giles	25,832	28,382	54,214	4,700	282	14
13. Strand	21,570	22,890	44,460	3,962	244	4
14. Holborn	22,860	23,761	46,621	4,311	194	14
15. Clerkenwell	31,489	33,289	64,778	7,224	306	19
16. St. Luke	26,178	27,877	54,055	6,349	247	20
17. East London.....	21,536	22,870	44,406	4,739	198	8
18. West London	14,604	14,186	28,790	2,657	189	4
19. London City	27,149	28,783	55,932	7,297	1,059	17
<i>East Districts.</i>						
20. Shoreditch	52,087	57,170	109,257	15,337	702	143
21. Bethnal Green	44,081	46,112	90,193	13,298	394	127
22. Whitechapel	40,271	39,488	79,759	8,812	316	33
23. St. George in the East	23,496	24,880	48,376	6,146	182	23
24. Stepney.....	52,342	58,433	110,775	16,259	867	222
25. Poplar	23,902	23,260	47,162	6,831	330	122
<i>South Districts.</i>						
26. St. Saviour, Southwark	17,432	18,299	35,731	4,600	244	12
27. St. Olave, Southwark	9,660	9,715	19,375	2,360	75	1
28. Bermondsey	23,511	24,617	48,128	7,007	379	80
29. St. George, Southwark	25,374	26,450	51,824	6,992	421	100
30. Newington	30,255	34,561	64,816	10,458	579	168
31. Lambeth	63,673	75,652	139,325	20,447	1,100	212
32. Wandsworth	23,011	27,753	50,764	8,276	600	287
33. Camberwell	23,574	31,092	54,667	9,412	927	233
34. Rotherhithe	9,127	8,678	17,805	2,792	199	67
35. Greenwich.....	50,639	48,726	99,365	14,383	1,074	344
36. Lewisham	15,708	19,127	34,835	5,927	432	265
Total.....	1,106,558	1,255,678	2,362,236	305,933	16,643	4,815

TABLE X.

Population and Houses in each County in England and Wales in 1851.

COUNTIES.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building
ENGLAND.						
Bedford	50,941	64,537	124,478	24,673	661	127
Berks	84,927	85,138	170,065	33,181	1,397	107
Buckingham	81,074	82,040	163,723	33,106	1,206	98
Cambridge	92,699	92,706	185,405	37,226	1,629	195
Chester	222,386	233,330	455,725	85,260	4,311	815
Cornwall	171,636	183,922	356,558	67,987	4,511	317
Cumberland	96,244	99,248	195,492	36,763	1,515	230
Derby	147,737	148,347	296,084	59,371	2,498	453
Devon	209,583	207,515	507,098	88,387	6,014	751
Dorset	89,204	95,003	184,207	36,138	1,587	215
Durham	106,700	104,297	300,997	61,977	2,704	670
Essex	185,399	183,910	369,318	73,630	3,569	381
Gloucester	218,187	240,618	458,805	86,359	5,818	411
Hereford	58,114	57,375	115,480	23,890	1,191	77
Hertford	82,831	84,467	167,298	32,573	1,188	207
Huntingdon	31,933	32,250	61,183	13,285	632	64
Kent	307,041	308,725	615,766	107,748	5,400	1,207
Lancaster	901,090	1,040,146	2,031,236	310,938	17,420	3,463
Leicester	112,037	117,371	230,308	48,053	1,629	211
Lincoln	205,083	202,139	407,222	81,385	8,450	592
Middlesex	882,823	*1,003,763	1,886,576	239,362	11,874	3,392
Monmouth	82,349	75,069	157,418	28,039	1,353	152
Norfolk	215,254	227,400	442,714	93,143	3,505	452
Northampton	105,984	106,396	212,380	43,912	1,638	227
Northumberland	149,515	151,053	303,568	47,737	2,061	388
Nottingham	132,263	138,104	270,427	55,010	1,502	250
Oxford	85,524	84,915	170,439	34,398	1,834	105
Rutland	11,801	11,182	22,983	4,588	153	14
Salop	114,340	116,001	229,341	45,648	2,062	116
Somerset	211,045	232,871	443,916	85,051	4,912	303
Southampton	202,014	203,350	405,370	75,238	3,643	613
Stafford	310,032	298,081	608,716	110,273	4,668	958
Suffolk	166,308	170,907	337,215	69,282	3,107	449
Surrey	325,041	358,041	683,082	108,822	5,770	1,540
Sussex	165,772	171,072	336,844	58,063	2,247	606
Warrwick	232,411	242,802	475,013	96,731	4,600	902
Westmoreland	29,079	29,208	58,287	11,217	533	87
Wilts	125,728	128,493	254,221	51,067	2,250	176
Worcester	130,956	139,970	276,926	55,630	2,723	337
York (East Riding)	109,443	111,540	220,983	44,363	2,061	385
York (City)	16,977	19,326	36,303	7,077	415	91
York (North Riding)	106,710	108,504	215,214	41,446	2,313	224
York (West Riding)	660,619	665,876	1,325,495	204,302	10,070	2,507
WALES.						
Anglesey	28,101	29,226	57,327	12,124	545	184
Brecon	31,314	30,160	61,474	12,221	731	74
Cardigan	32,961	37,835	70,796	14,978	544	70
Carmarthen	53,076	57,556	110,632	22,465	1,176	99
Carnarvon	42,978	44,802	87,870	18,005	690	133
Denbigh	46,708	46,873	92,583	10,124	812	136
Flint	34,162	33,704	68,166	14,041	798	80
Glamorgan	120,748	111,101	231,849	43,292	1,557	469
Merioneth	19,161	19,692	38,843	8,159	872	31
Montgomery	33,634	33,701	67,335	13,350	716	25
Pembroke	43,675	50,465	94,140	10,136	937	111
Radnor	12,693	12,023	24,716	4,614	217	28

TABLE XI.

Population and Number of Houses in each County in Scotland in 1851.

COUNTIES.	Population.			Houses.		
	Males.	Females.	Total.	Inhabited.	Uninhabited.	Building.
Aberdeen.....	100,255	111,777	212,032	31,743	768	173
Argyll	43,935	45,363	89,298	15,039	484	61
Ayr	92,930	96,928	189,858	23,554	824	129
Banff	25,575	28,596	54,171	10,662	377	62
Berwick	17,433	18,864	36,297	6,363	251	44
Bute.....	7,518	9,090	16,608	2,335	77	30
Caithness.....	18,329	20,380	38,709	6,952	103	54
Clackmannan	11,342	11,609	22,951	2,950	96	53
Dumbarton	22,400	22,703	45,103	4,792	238	67
Dumfries.....	37,186	40,937	78,123	13,300	412	92
Edinburgh	119,384	140,051	259,435	20,946	851	195
Elgin, or Moray	18,191	20,768	38,959	7,642	223	88
Fife	73,175	80,371	153,546	24,610	1,062	147
Forfar	88,324	102,940	191,264	22,446	725	138
Haddington	17,610	18,776	36,386	6,444	424	41
Inverness.....	44,961	51,539	96,500	17,536	390	79
Kincardine	17,008	17,590	34,598	6,636	260	40
Kinross	4,305	4,619	8,924	1,662	67	12
Kirkcudbright.....	20,223	22,898	43,121	7,009	225	36
Lanark.....	257,060	273,109	530,169	37,504	1,279	328
Linlithgow	15,194	14,941	30,135	4,059	116	10
Nairn	4,695	5,261	9,956	2,022	27	19
Orkney and Shetland	27,495	35,038	62,533	11,334	321	23
Peebles	5,364	5,374	10,738	1,796	98	11
Perth	66,337	72,323	138,660	22,528	852	87
Renfrew	75,690	85,401	161,091	10,760	300	78
Ross and Cromarty....	39,012	43,695	82,707	15,941	321	121
Roxburgh	25,212	26,430	51,642	7,255	224	50
Selkirk.....	4,850	4,959	9,809	1,331	25	9
Stirling	42,234	44,003	86,237	11,312	510	89
Sutherland	11,917	13,876	25,793	4,943	52	27
Wigtown	20,335	23,054	43,389	6,902	164	27

TABLE XII.

Population of each County in England and Wales, as enumerated at each Census from 1801 to 1851, inclusive; also Increase of Population per cent. in the half century.

COUNTIES.	Years.						Increase of Population per cent. in 60 Years.
	1801.	1811.	1821.	1831.	1841.	1851.	
ENGLAND.							
Bedford	63,303	70,213	84,052	95,483	107,936	124,478	96
Berks	110,480	119,130	132,639	146,284	161,759	170,065	64
Buckingham	108,132	118,065	135,133	146,977	156,439	163,723	61
Cambridge	89,316	101,109	122,387	143,955	164,459	185,405	107
Chester	192,305	227,031	270,098	334,391	395,660	455,725	137
Cornwall	102,281	220,525	261,045	301,306	342,159	355,558	84
Cumberland	117,230	133,665	156,124	169,262	178,038	195,492	66
Derby	161,607	185,487	213,651	237,170	272,202	296,084	83
Devon	340,308	382,778	438,417	493,908	532,950	567,098	66
Dorset	114,452	124,718	144,930	159,385	175,054	184,207	61
Durham	149,384	165,293	193,511	239,256	307,963	300,907	100
Essex	227,082	252,473	280,424	317,507	344,079	369,318	62
Gloucester	250,723	285,953	336,190	387,398	431,495	458,805	82
Hereford	88,436	93,526	102,669	110,817	113,272	115,489	31
Hertford	97,303	111,225	129,731	142,844	156,660	167,208	72
Huntingdon	37,568	42,208	48,946	53,192	58,540	64,183	71
Kent	308,667	371,701	427,224	479,558	549,353	615,766	98
Lancaster	673,486	828,490	1,052,948	1,330,854	1,667,054	2,031,230	201
Leicester	130,082	150,559	174,571	197,003	215,867	230,308	77
Lincoln	208,625	237,634	283,058	317,463	362,002	407,222	95
Middlesex	818,120	963,774	1,145,057	1,358,330	1,676,630	1,886,576	130
Monmouth	45,598	62,106	75,801	98,126	134,368	157,418	244*
Norfolk	273,479	201,947	344,368	390,054	412,684	442,714	62
Northampton	181,625	141,353	163,007	179,336	190,228	212,380	61
Northumberland	168,078	183,269	212,589	236,060	266,020	303,568	70
Nottingham	140,360	162,964	186,873	225,327	249,910	270,427	93
Oxford	111,977	120,376	138,224	153,526	163,127	170,439	62
Rutland	10,300	16,380	18,487	19,385	21,302	22,983	41
Salop	160,248	184,973	198,311	213,518	225,820	220,341	36
Somerset	273,577	302,836	355,789	408,795	435,599	443,916	62
Southampton	210,290	246,514	282,897	313,976	354,082	406,370	83
Stafford	242,093	294,640	345,072	409,480	509,472	608,716	151
Suffolk	214,404	233,963	271,541	296,317	315,073	337,215	57
Surrey	268,233	323,851	399,417	480,434	584,036	683,082	154
Sussex	150,471	190,343	233,828	272,644	300,075	336,844	111
Warwick	206,718	228,906	274,482	336,845	401,703	475,013	130
Westmoreland	40,805	45,922	51,369	55,041	56,454	58,287	43
Wiltz	183,820	191,858	219,574	237,244	256,280	254,221	98
Worcester	146,441	168,982	194,074	222,655	248,460	276,926	89
York (East Riding)	111,192	133,975	164,043	168,891	194,936	220,983	97
York (City)	16,846	19,099	21,711	26,260	28,842	36,303	110
York (North Riding)	168,027	170,127	188,178	192,206	204,701	215,214	95
York (West Riding)	572,168	602,875	800,363	984,609	1,163,580	1,325,495	132
WALES.							
Anglesey	33,800	37,045	45,003	48,825	50,801	57,927	68
Brecon	32,325	37,735	43,826	47,763	55,003	61,474	90
Cardigan	42,956	50,260	57,784	64,780	68,786	70,798	65
Carmarthen	67,317	77,217	90,239	100,740	106,326	110,632	64
Carnarvon	41,521	49,655	58,099	66,818	81,093	87,870	111
Denbigh	60,299	64,249	70,428	82,666	88,478	92,583	54
Flint	39,469	45,937	53,893	60,241	66,919	68,156	72
Glamorgan	70,879	85,007	102,073	126,612	171,188	231,840	223
Merioneth	29,506	30,854	34,882	36,815	39,332	38,813	32
Montgomery	48,184	52,184	60,245	66,844	69,607	67,335	40
Pembroke	56,280	60,615	73,788	81,425	88,044	91,140	66
Radnor	19,135	20,417	22,533	24,743	26,458	24,710	20

TABLE XIII.

Population of each County in Scotland, as enumerated at each Census from 1801 to 1851, inclusive; also Increase of Population per cent. in the half century.

COUNTIES. -	Years.						Increase of Popula- tion per Cent. in 50 Years.
	1801.	1811.	1821.	1831.	1841.	1851.	
Aberdeen	121,065	133,871	155,049	177,657	192,387	212,032	75
Argyll	91,277	86,541	97,316	100,973	97,371	89,298	10
Ayr	84,207	103,839	127,299	145,055	164,356	189,858	125
Banff	37,216	38,433	43,663	48,337	49,679	54,171	45
Berwick	30,206	30,893	33,385	34,048	34,438	36,297	20
Bute	11,791	12,033	13,797	14,151	15,740	16,608	41
Caithness	22,609	23,419	29,181	34,529	36,343	38,709	71
Clackmannan	10,858	12,010	13,263	14,729	19,155	22,951	111
Dumbarton	20,710	24,189	27,317	33,211	44,296	45,103	117
Dumfries	54,597	62,960	70,878	73,770	72,830	78,123	43
Edinburgh.....	122,597	148,607	191,514	219,345	225,454	259,435	111
Elgin, or Moray.....	27,760	27,967	31,398	34,498	35,012	38,959	40
Fife	93,743	101,272	114,556	128,839	140,140	153,546	64
Forfar	99,053	107,187	113,355	139,606	170,453	191,264	93
Haddington	29,986	31,050	35,127	36,145	35,886	36,386	21
Inverness	72,672	77,671	89,961	91,797	97,799	96,500	33
Kincardine.....	26,349	27,439	29,118	31,431	33,075	34,598	31
Kinross	6,725	7,245	7,762	9,072	8,763	8,924	33
Kirkcudbright	29,211	33,684	38,903	40,590	41,119	43,121	48
Lanark	147,692	191,291	244,387	316,819	426,972	530,169	258
Linlithgow.....	17,844	19,451	22,685	23,291	26,872	30,135	68
Nairn.....	8,322	8,496	9,268	9,354	9,217	9,956	19
Orkney and Shetland	46,824	46,153	53,124	58,239	61,065	62,533	33
Peebles	8,735	9,935	10,046	10,578	10,499	10,738	23
Perth	125,583	134,390	138,247	142,166	137,457	138,660	10
Renfrew.....	78,501	93,172	112,175	133,443	155,072	161,091	105
Ross and Cromarty	56,318	60,853	68,792	74,820	78,685	82,707	47
Roxburgh	33,721	37,230	40,892	43,663	46,025	51,642	53
Selkirk	5,388	5,889	6,637	6,833	7,990	9,809	82
Stirling	50,825	58,174	65,376	72,621	82,057	86,237	69
Sutherland.....	23,117	23,629	23,840	25,518	24,782	25,793	12
Wigtown	22,918	26,891	33,240	36,258	39,195	43,389	89

TABLE XIV.

Area of each County in England and Wales, and Density in 1851.

COUNTIES.	Area in Square Miles.	Area in Statute Acres.	Persons to a Square Mile.	Acres to a Person.	Inhabited Houses to a Square Mile.	Persons to a House.
ENGLAND.						
Bedford	462	295,582	270	2·4	53	5·1
Berks	705	461,040	241	2·7	48	5·1
Buckingham	730	466,932	224	2·0	46	4·9
Cambridge	818	523,861	220	2·8	45	6·0
Chester	1,105	707,078	412	1·6	77	5·3
Cornwall	1,365	873,000	259	2·5	50	5·2
Cumberland	1,665	1,001,273	125	5·1	23	5·3
Derby	1,029	658,803	288	2·2	58	5·0
Devon	2,689	1,057,180	218	2·9	38	5·7
Dorset	987	932,025	186	3·4	37	5·1
Durham	973	622,476	399	1·6	67	6·0
Essex	1,657	1,060,549	222	2·9	44	5·0
Gloucester	1,258	805,102	304	1·8	69	5·3
Hereford	836	631,823	138	4·6	29	4·8
Hertford	611	391,141	274	2·3	53	5·1
Huntingdon	361	230,865	178	3·6	37	4·8
Kent	1,027	1,011,470	375	1·7	66	5·7
Lancaster	1,905	1,219,221	1,064	0·6	184	5·8
Leicester	803	514,104	287	2·2	61	4·7
Lincoln	2,776	1,776,738	146	4·4	29	5·0
Middlesex	281	180,168	6,083	0·1	850	7·9
Monmouth	576	368,399	272	2·4	50	5·4
Norfolk	2,110	1,354,301	209	3·1	44	4·8
Northampton	985	630,358	216	3·0	45	4·8
Northumberland	1,952	1,210,299	164	4·1	21	6·3
Nottingham	822	626,076	320	1·9	67	4·9
Oxford	730	472,887	231	2·8	47	5·0
Rutland	160	95,803	154	4·2	31	5·0
Salop	1,201	824,055	178	3·6	35	5·0
Somerset	1,636	1,017,220	271	2·4	62	5·2
Southampton	1,072	1,070,216	240	2·7	45	5·3
Stafford	1,138	728,108	535	1·2	102	5·2
Suffolk	1,481	947,081	228	2·8	47	4·9
Surrey	748	478,792	910	0·7	145	0·3
Sussex	1,161	934,851	230	2·8	40	5·7
Warwick	881	563,946	539	1·2	110	4·9
Westmoreland	768	486,432	77	8·3	15	5·2
Wiltz	1,352	803,092	188	8·4	98	4·9
Worcester	738	472,105	375	1·7	75	5·0
York (East Riding)	1,201	768,419	182	3·5	37	4·9
York (City)	4	2,720	8,542	0·7	1,065	5·1
York (North Riding)	2,109	1,350,121	102	6·3	21	4·8
York (West Riding)	2,860	1,708,026	496	1·3	99	5·0
WALES.						
Anglesey	302	193,453	188	8·4	40	4·7
Brecon	719	460,158	86	7·5	17	5·0
Cardigan	603	443,987	102	6·3	22	4·7
Carmarthen	917	606,331	117	5·5	24	4·9
Carnarvon	679	370,273	161	4·2	31	4·9
Denbigh	603	386,052	153	4·2	32	4·8
Ffestiniog	289	184,005	235	2·7	49	4·8
Glamorgan	856	547,404	268	2·4	61	5·3
Merioneth	602	386,291	65	9·9	14	4·8
Montgomery	755	483,923	89	7·2	18	5·0
Pembroke	628	401,691	149	4·3	30	4·9
Radnor	425	272,128	68	11·0	11	5·4

TABLE XV.

Area of each County in Scotland, and Density in 1851.

COUNTIES.	Area in Square Miles.	Area in Statute Acres.	Persons to a Square Mile.	Acres to a Person.	Inhabited Houses to a Square Mile.	Persons to a House.
Aberdeen.....	1,970	1,260,625	108	5·9	16	6·7
Argyll.....	3,255	2,083,126	27	23·3	5	5·9
Ayr.....	1,016	650,156	187	3·4	23	8·0
Banff.....	686	439,219	79	8·1	16	5·1
Berwick.....	483	309,375	75	8·5	13	5·7
Bute.....	171	109,375	97	6·6	14	7·1
Caithness.....	712	455,708	54	11·8	10	5·6
Clackmannan.....	46	29,744	494	1·3	63	7·8
Dumbarton.....	297	189,844	152	4·2	16	9·4
Dumfries.....	1,129	722,813	69	9·3	12	5·0
Edinburgh.....	397	254,300	653	1·0	53	12·4
Elgin, or Moray.....	531	340,000	73	8·7	14	5·1
Fife.....	503	322,031	305	2·1	49	6·2
Forfar.....	889	568,750	215	3·0	25	8·5
Haddington.....	291	185,937	125	5·1	22	5·6
Inverness.....	4,256	2,723,501	23	28·2	4	5·5
Kincardine.....	394	252,250	88	7·3	17	5·2
Kinross.....	77	49,531	115	5·5	21	5·4
Kirkcudbright.....	954	610,734	45	14·2	7	6·1
Lanark.....	987	631,719	537	1·2	38	14·1
Linlithgow.....	101	64,375	300	2·1	40	7·4
Nairn.....	215	137,500	46	13·8	9	4·9
Orkney and Shetland	1,545	988,873	40	15·8	7	5·5
Peebles.....	354	226,488	30	21·1	5	6·0
Perth.....	2,835	1,814,063	49	13·1	8	6·2
Renfrew.....	234	150,000	687	0·9	46	14·9
Ross and Cromarty....	3,151	2,016,375	26	24·4	5	5·2
Roxburgh.....	720	460,938	72	8·9	10	7·1
Selkirk.....	266	170,313	37	17·4	5	7·4
Stirling.....	462	295,875	187	3·4	24	7·6
Sutherland.....	1,886	1,207,188	14	46·8	3	5·2
Wigtown.....	511	326,736	85	7·5	14	6·3

Appendix.

TABLE XVI.

Population and Number of Inhabited Houses in Counties and Parliamentary Divisions of Counties, in England and Wales, including and excluding Represented Cities and Boroughs; also the Number of Members Returned.

Counties and Divisions of Counties.	Including Represented Cities and Boroughs.			Excluding Represented Cities and Boroughs.		
	Total Members Returned.	Popula-tion.	Inhabited Houses.	County Members Returned.	Popula-tion.	Inhabited Houses.
<i>England.</i>						
Bedford	4	124,478	24,678	2	119,785	22,366
Berks	9	170,065	33,481	3	125,443	26,202
Buckingham	11	168,723	33,196	3	115,901	23,101
Cambridge	7	185,403	37,226	3	157,500	32,032
Chester—						
Northern Division ..	6	249,000	47,528	2	169,756	31,407
Southern Division ..	4	206,725	37,732	2	178,959	32,550
Cornwall—						
Eastern Division ..	6	148,802	28,486	2	130,256	25,307
Western Division ..	8	206,758	39,501	2	165,167	31,702
Cumberland—						
Eastern Division ..	4	103,000	18,557	2	76,699	14,601
Western Division ..	5	92,483	18,206	2	66,292	13,073
Derby—						
Northern Division ..	2	130,007	25,581	2	130,067	25,581
Southern Division ..	4	166,017	33,840	2	126,408	26,841
Devon—						
Northern Division ..	6	182,274	36,049	2	159,759	31,752
Southern Division ..	16	384,824	62,388	2	217,884	41,837
Dorset	14	184,207	36,188	3	138,017	26,470
Durham—						
Northern Division ..	8	272,080	42,878	2	136,966	25,692
Southern Division ..	2	118,907	22,099	2	118,907	22,009
Essex—						
Northern Division ..	6	189,436	39,231	2	165,541	34,335
Southern Division ..	4	179,883	31,299	2	173,906	33,120
Gloucester—						
Eastern Division ..	11	200,916	40,361	2	99,784	20,495
Western Division ..	4	257,889	45,998	2	138,169	28,165
Hereford	7	115,489	28,890	3	98,035	20,312
Hertford	7	167,298	32,673	3	163,693	30,062
Huntingdon	4	64,188	13,285	2	57,964	13,041
Kent—						
Eastern Division ..	9	218,182	40,240	2	151,666	28,104
Western Division ..	9	397,584	67,608	2	231,711	42,280
Lancaster—						
Northern Division ..	9	460,580	82,285	2	316,804	57,935
Southern Division ..	17	1,570,706	267,653	2	500,711	90,920
Leicester—						
Northern Division ..	2	91,308	19,226	2	91,308	19,226
Southern Division ..	4	139,000	29,727	2	78,416	16,922
Lincoln—						
Parts of Lindsey....	5	221,873	44,831	2	192,074	39,027
Parts of Kesteven ..	8	185,349	36,604	2	149,626	29,560
Middlesex	14	1,886,576	299,382	2	288,256	46,377
Monmouth	3	157,418	28,939	2	130,906	24,812
Norfolk—						
Eastern Division....	6	250,305	53,008	2	165,230	32,614
Western Division ..	6	192,409	39,685	2	168,979	34,846
Northampton—						
Northern Division ..	4	96,801	19,052	2	86,528	17,935
Southern Division ..	4	113,579	23,990	2	88,413	18,991
Northumberland—						
Northern Division ..	6	91,925	15,698	2	66,819	12,908
Southern Division ..	6	211,648	32,089	2	94,689	17,303

TABLE XVI.—Continued.

Population and Number of Inhabited Houses in Counties and Parliamentary Divisions of Counties, in England and Wales, including and excluding Represented Cities and Boroughs; also the Number of Members Returned.

Counties and Divisions of Counties.	Including Represented Cities and Boroughs.			Excluding Represented Cities and Boroughs.		
	Total Members Returned.	Population.	Inhabited Houses.	County Members Returned.	Population.	Inhabited Houses
<i>England—(continued).</i>						
Nottingham—						
Northern Division ..	6	180,060	38,451	2	86,599	17,259
Southern Division ..	4	80,367	16,568	2	69,037	14,198
Oxford	9	170,439	34,398	3	125,216	25,983
Rutland	2	22,983	4,588	2	22,983	4,588
Salop—						
Northern Division ..	4	128,162	25,487	2	108,481	21,587
Southern Division ..	8	101,179	20,161	2	67,088	13,370
Somerset—						
Eastern Division ..	7	268,911	48,765	2	172,180	34,053
Western Division ..	6	185,005	36,280	2	160,512	31,733
Southampton (Hants)—						
Northern Division ..	7	135,953	20,003	2	111,804	21,775
Southern Division ..	9	210,093	40,807	2	98,935	19,161
Isle of Wight	3	50,324	8,928	1	42,277	7,378
Stafford—						
Northern Division ..	8	245,468	47,103	2	130,038	27,501
Southern Division ..	9	363,253	68,060	2	206,805	39,570
Suffolk—						
Eastern Division....	4	185,393	38,536	2	148,480	30,077
Western Division ..	5	151,823	30,746	2	130,391	26,620
Surrey—						
Eastern Division....	7	580,226	89,536	2	147,017	25,104
Western Division ..	4	102,856	19,286	2	90,116	18,110
Sussex—						
Eastern Division....	9	225,387	37,096	2	120,620	21,372
Western Division ..	9	111,457	20,667	2	60,526	10,000
Warwick—						
Northern Division ..	6	375,264	76,021	2	101,464	21,527
Southern Division ..	4	99,740	20,710	2	88,776	18,481
Westmoreland.....	3	58,287	11,217	2	46,158	8,760
Wilt.—						
Northern Division ..	12	151,692	30,883	2	86,024	18,007
Southern Division ..	6	102,629	20,781	2	73,616	14,879
Worcester—						
Eastern Division....	6	162,508	32,136	2	112,845	22,692
Western Division ..	6	114,418	23,503	2	61,110	12,570
York—						
East Riding	6	220,983	44,363	2	123,020	25,001
North Riding	13	261,116	53,488	2	176,224	36,823
West Riding	18	1,315,896	262,937	2	794,888	168,247
<i>Wales.</i>						
Anglesey	2	57,327	12,124	1	44,575	9,532
Brecon	2	61,474	12,221	1	58,167	10,611
Cardigan	2	70,796	14,078	1	60,954	12,996
Carmarthen	3	110,632	22,465	2	90,315	18,780
Carnarvon	2	87,870	18,006	1	65,600	13,424
Denbigh	3	92,688	19,124	2	75,969	15,060
Flint	2	68,166	14,041	1	49,342	10,078
Glamorgan	5	231,840	43,202	2	105,450	20,467
Merioneth	1	38,843	8,159	1	38,843	8,160
Montgomery	2	67,835	18,360	1	49,448	9,479
Pembroke	3	94,140	19,186	1	66,876	13,968
Radnor	2	24,716	4,614	1	18,112	3,244

TABLE XVII.

*Population and Number of Inhabited Houses in each County of Scotland,
including and excluding Represented Cities and Burghs; also the Number
of Members Returned.*

COUNTIES.	Including Represented Cities and Burghs.			Excluding Represented Cities and Burghs.		
	Total Members Returned.	Popula- tion.	Inhabited Houses.	County Members Returned.	Popula- tion.	Inhabited Houses.
<i>Scotland.</i>						
Aberdeen	2	212,032	31,743	1	130,021	24,587
Argyle	1	89,298	15,039	1	79,612	14,136
Ayr	3	189,858	23,554	1	143,257	19,236
Banff	1	54,171	10,662	1	46,474	9,233
Berwick	1	36,297	6,363	1	35,192	6,169
Bute	1	16,608	2,335	1	16,608	2,335
Caithness	1	38,709	6,952	1	31,987	6,067
Clackmannian	1	22,951	2,950	1	22,951	2,950
Dumbarton	1	45,103	4,792	1	39,658	4,479
Dumfries	2	78,123	13,300	1	61,871	11,000
Edinburgh	4	239,435	20,946	1	57,625	9,605
Elgin	2	38,959	7,642	1	29,154	5,833
Fife	3	153,546	24,610	1	98,172	18,001
Forfar	3	191,264	22,446	1	64,161	12,418
Haddington	2	36,386	6,444	1	28,602	5,433
Inverness	2	96,500	17,536	1	83,707	15,832
Kincardine	1	34,598	6,636	1	33,664	6,465
Kinross .....	....	8,924	1,662	....	8,924	1,662
Kirkcudbright	1	43,121	7,009	1	36,174	6,070
Lanark	4	530,169	37,504	1	167,506	22,229
Linlithgow	1	30,135	4,059	1	24,727	3,569
Nairn .....	....	9,956	2,022	....	6,979	1,460
Orkney and Shetland	1	62,533	11,334	1	59,082	10,877
Peebles	1	10,738	1,796	1	10,738	1,796
Perth	2	138,660	22,528	1	114,220	20,427
Renfrew	3	161,091	10,760	1	61,466	5,604
Ross and Cromarty	1	82,707	15,941	1	75,532	14,723
Roxburgh	1	51,642	7,255	1	48,027	6,853
Selkirk	1	9,809	1,331	1	9,809	1,331
Stirling	2	86,237	11,312	1	64,648	9,093
Sutherland	2	25,793	4,943	1	25,194	4,834
Wigtown	2	43,389	6,902	1	33,878	5,493

TABLE XVIII.

Population of the Islands in the British Seas containing upwards of 100 Inhabitants in 1851.

Islands.	Population.	Islands.	Population.
Anglesey	57,318	Lismore	1,250
Arran	5,857	Mull	7,485
Alderney	3,333	Mickleroe	290
Bute	9,351	Mingala	114
Benbecula	1,718	North Uist	3,093
Barra	1,624	North Ronaldsay	526
Bressay	885	Orkney	16,668
Burray	559	Papa Westray	371
Bernera (Harris)	452	Papa Stour	359
Balispear	156	Rousay	937
Bareray	150	Rasay	540
Bryher (Scilly)	118	Rona	165
Coll	1,109	Rum	162
Collonsay and Aronsay	837	Skye	21,528
Canna	240	Shetland	20,936
Eday	947	South Uist	4,006
Easdale	571	South Ronaldsay	2,465
Eigg	461	Sanday	2,004
Erlskay	405	St. Mary (Scilly)	1,668
East Burra	204	Stronsay	1,176
Egilsay	192	Shapinsay	899
Fetlar	658	Serk	580
Flotta	389	Scalpay	282
Fair	280	Stroma	211
Fould	240	St. Martin (Scilly)	211
Guernsey	29,757	St. Agnes (Scilly)	204
Great Cumbrey	1,266	Soay	158
Gigha	540	St. Michael's Mount	147
Groemsay	286	Scarp	145
Grimsay	268	Shona	118
Holy Island	908	Skerries	105
Hoy	329	Tyree	3,709
Hirta, or St. Kilda	110	Tresco (Scilly)	416
Isle of Man	52,344	Trondray	169
Isle of Wight	50,324	Unst	2,961
Islay	12,334	Ulva	204
Iona, or Icolmkill	604	Westray	2,038
Jersey	57,020	Whalsay	679
Jura	1,064	West Burra	410
Kerera	164	Walney	306
Lewis	22,918	Yell	2,696

TABLE XIX.

Population and Number of Inhabited Houses in the Cities, Boroughs, and Principal Towns in England and Wales in 1851.

NOTE.—The letters denote—M. Municipal limits; P. Parliamentary limits; and M. & P. Municipal and Parliamentary limits the same.

City, Borough, or Town.	Population.	Inhabited Houses.	City, Borough, or Town.	Population.	Inhabited Houses.
Aberavon	P. 6,567	1,106	Bicester	2,763	566
Abergavenny	4,797	914	Bideford	M. 5,775	1,101
Aberystwith	M. & P. 5,231	958	Biggleswade	3,976	774
Abingdon	M. & P. 5,954	1,244	Bingley	5,019	961
Accrington	7,481	1,414	Birkenhead	24,285	3,223
Adpar	P. 1,746	369	Birmingham	M. & P. 232,841	45,844
Alcester	2,027	439	Bishop Auckland	4,400	839
Alford	2,262	483	Bishop Stortford	5,280	907
Alnwick	6,231	835	Blackburn	M. & P. 46,536	7,919
Alston	2,005	413	Blackpool	2,180	410
Alton	2,828	530	Blandford	M. 2,504	453
Altrincham	4,488	874	Town	3,913	708
Amersham	2,093	389	Blyth	2,060	265
Amlwch	P. 3,169	751	Bodmin	M. 4,327	722
Andover	M. 5,187	1,040	P. 6,337	1,103	
	P. 5,395	1,079	Bolton	M. & P. 61,171	10,394
Arundel	M. & P. 2,748	552	Boston	M. 14,733	2,992
Ashburton	2,418	518	P. 17,518	3,622	
Ashburton	P. 3,432	622	Bourn	2,789	584
Ashby-de-la-Zouch	3,762	798	Brackley	2,157	430
Ashford	4,092	737	Bradford (Wilts)	4,240	973
Ashton-under-Lyne	M. 30,676	5,501	Bradford (Yorkshire)	M. & P. 103,778	19,002
	P. 29,791	5,346	Braintree	2,836	609
Atherton	4,655	963	Brampton	3,074	557
Aylesbury	P. 26,794	5,472	Brandon	2,022	436
Aylsham	2,184	495	Brecknock	M. 5,673	1,147
Banbury	M. 4,026	769	P. 6,070	1,236	
	P. 8,715	1,721	Brentford	8,870	1,750
Bangor	P. 6,338	1,228	Brentwood	2,205	444
Barking	4,930	968	Bridgnorth	M. 6,172	1,227
Barnard Castle	4,357	644	P. 7,610	1,516	
Barnsley	13,437	2,620	Bridgwater	M. & P. 10,317	1,911
Barnstaple	M. & P. 11,371	2,116	Bridlington	2,432	594
Barton-upon-Humber	3,866	860	Bridport	M. & P. 7,566	1,468
Basingstoke	M. 4,263	892	Brigg	3,097	603
Bath	M. & P. 54,240	7,744	Brighton	P. 69,673	10,843
Beaminster	2,085	456	Bristol	M. & P. 137,328	20,873
Beaumaris	M. & P. 2,599	480	Brixham	5,627	1,179
Beaumaris District of Boroughs	P. 12,752	2,592	Bromsgrove	4,426	618
Beccles	M. 4,398	951	Buckingham	M. 4,020	809
Bedford	M. & P. 11,693	2,307	Bungay	P. 8,069	1,717
Bedworth	3,012	639	Burnley	3,841	852
Belper	10,082	1,987	Burton-upon-Trent	20,828	3,741
Berkhampstead, Great	2,913	553	Bury	7,934	1,604
Berwick-upon-Tweed	M. & P. 15,094	2,028	Bury St. Edmunds' ...	P. 31,262	5,823
Beverley	M. 8,915	1,934	Caergwyllo	M. & P. 13,900	2,752
	P. 10,058	2,183	Caerwys	P. 719	165
Bewdley	M. 3,124	718	Calne	P. 635	142
	P. 7,318	1,582		M. 2,544	475
				P. 5,195	1,047

TABLE XIX.—Continued.

Population and Number of Inhabited Houses in the Cities, Boroughs, and Principal Towns in England and Wales in 1851.

City, Borough, or Town.	Population.	Inhabited Houses.	City, Borough, or Town.	Population.	Inhabited Houses.
Camborne	6,547	1,174	Cricklade	P. 35,503	7,197
Cambridge	M. & P. 27,815	5,194	Crowland	2,466	531
Canterbury	M. & P. 18,398	3,654	Crowle	2,245	496
Cardiff	M. & P. 18,351	2,565	Croydon	10,260	1,669
Cardiff District of Boroughs	P. 20,424	3,034	Cullompton	2,765	607
Cardigan	M. & P. 3,876	922	Darlington	11,228	1,921
Cardigan District of Boroughs	P. 11,760	2,436	Dartford	5,763	1,033
Carlisle	M. & P. 26,310	3,956	Dartmouth	M. & P. 4,508	799
Carmarthen	M. & P. 10,524	1,800	Darwen Over	7,020	1,302
Carmarthen District of Boroughs	P. 19,234	3,454	Daventry	M. 4,430	889
Carmarvon	M. & P. 8,674	1,723	Dawlish	M. 2,671	543
Carmarvon District of Boroughs	P. 22,210	4,581	Deal	M. 7,067	1,465
Castle Donington	2,729	615	Denbigh	M. & P. 5,498	1,215
Cefnllys	P. 45	6	Deubigh District of Boroughs	P. 16,614	3,458
Chard	M. 2,291	441	Derby	M. & P. 40,609	8,199
Chatham	P. 28,421	4,337	Dereham	M. 3,372	738
Cheadle	2,728	533	Devizes	M. & P. 6,554	1,292
Chelmsford	6,033	1,204	Devonport	M. 38,180	3,789
Cheltenham	P. 35,051	6,356	Dewsbury	P. 50,159	4,961
Chepstow	4,295	723	Diss	M. 5,033	992
Chertsey	2,743	523	Dorking	M. 2,419	494
Chesham	2,496	516	Dolgelly	M. 2,041	519
Chester	M. & P. 27,766	5,173	Doncaster	M. 12,032	2,583
Chesterfield	M. 7,101	1,455	Dorchester	M. & P. 6,391	960
Chichester	M. & P. 8,662	1,653	Dorking	M. 3,490	612
Chippenham	M. 1,707	309	Dover	M. & P. 22,214	3,747
Chipping Norton	P. 6,283	1,139	Downham	M. 2,867	585
Chipping Wycombe	M. 2,932	563	Downton	M. 2,727	571
Chorley	M. 3,588	690	Driffield, Great	M. 3,792	811
Chorley	P. 7,179	1,441	Droitwich	M. 3,125	582
Christchurch	P. 8,907	1,545	Dudley	P. 7,096	1,407
Cirencester	P. 7,475	1,543	Dunstable	M. 37,962	7,119
Clitheroe	P. 6,096	1,211	Durham	M. & P. 3,589	688
Colchester	M. 7,244	1,371	Dursley	M. & P. 2,617	552
Colchester	P. 11,480	2,192	East Retford	M. 2,943	587
Cockermouth	P. 7,275	1,506	Eccles	P. 46,054	9,643
Coggeshall	3,484	747	Ellesmere	M. 4,108	746
Colchester	M. & P. 19,443	4,145	Ely	M. 2,087	418
Colne	6,644	1,281	Epsom	M. 6,176	1,302
Congleton	M. 10,520	2,146	Evesham	M. 3,390	544
Conway	P. 2,105	429	Exeter	M. & P. 4,605	918
Coventry	M. 36,208	7,657	Exmouth	M. 32,818	5,109
Cowbridge	P. 36,812	7,783	Eye	P. 40,688	6,499
Cowes	P. 1,066	224	Falmouth	M. 5,123	1,042
Crediton	4,786	814	Fareham	M. 2,587	480
Crewe	3,934	864	Faringdon, Great	P. 7,531	1,374
Crewkerne	4,491	805	Farnham	M. 4,953	600
Criccieth	3,303	644	Falmouth and Penryn	P. 13,656	2,143
Criccieth	P. 530	118	Fareham	M. 3,481	687
			Faringdon, Great	M. 2,456	492
			Farnham	M. 3,515	693

TABLE XIX.—Continued.

Population and Number of Inhabited Houses in the Cities, Boroughs, and Principal Towns in England and Wales in 1851.

City, Borough, or Town.	Population.	Inhabited Houses.	City, Borough, or Town.	Population.	Inhabited Houses.
Faversham	M. 4,595	895	Hexham	4,601	531
Finsbury	P. 323,772	37,427	Heywood	12,194	2,426
Fishguard	P. 1,757	433	Hinckley	6,111	1,350
Fleetwood-on-Wyre	3,121	446	Hindley	5,285	950
Flint	M. & P. 3,296	693	Hitchin	5,258	982
Flint District of Boroughs	P. 18,814	3,963	Holbeach	2,245	412
Folkstone	M. 6,726	1,149	Holt	P. 1,029	213
Frodsham	2,099	376	Holyhead	P. 5,622	1,040
Frome	P. 10,148	2,122	Holywell	P. 5,740	1,190
Gainsborough	7,506	1,561	Honiton	M. & P. 3,427	692
Gateshead	M. & P. 25,568	3,520	Horncastle	P. 4,921	1,015
Glastonbury	M. 3,125	690	Horsham	P. 5,947	1,081
Gloucester	M. & P. 17,572	2,843	Horwich	P. 2,104	382
Godalming	M. 2,218	479	Houghton-le-Spring	P. 3,224	591
Godmanchester	M. 2,337	519	Hounslow	P. 3,514	761
Gooce	4,722	884	Howden	P. 2,235	497
Gosport	7,414	1,465	Huddersfield	P. 30,880	5,739
Grantham	M. 5,375	904	Hull	M. & P. 84,690	16,634
Gravesend	P. 10,873	1,968	Hungerford	P. 2,255	411
Great Berkhamstead	M. 16,633	2,722	Huntingdon	M. 3,682	725
Great Bradford	2,943	553	P. 6,219	1,244	
Great Driffield	4,240	973	Hyde	M. 10,051	1,802
Great Faringdon	3,792	811	P. 2,857	486	
Great Grimsby	2,456	492	P. 13,164	2,261	
Great Marlow	M. 8,860	1,634	Ilfracombe	P. 2,919	623
Great Yarmouth	P. 12,263	2,354	Ipswich	M. & P. 32,914	6,979
Greenwich	P. 6,523	1,211	Keighley	P. 13,050	2,402
Grimsby Great	M. & P. 30,879	6,886	Kendal	M. & P. 11,829	2,457
Guildford	P. 105,784	15,401	Kenfig	P. 433	80
Hadleigh	M. 8,860	1,131	Kenilworth	P. 3,140	692
Halesowen	P. 12,263	2,354	Keswick	P. 2,618	552
Halesworth	M. & P. 6,740	1,176	Kettering	P. 5,125	1,046
Harrowgate	3,338	672	Kidderminster	M. & P. 18,462	3,656
Hartlepool	3,678	763	Kings Lynn	M. & P. 19,355	3,845
Haworth	M. 9,503	1,466	Kingston-upon-Hull	M. & P. 84,690	16,634
Hawthorn	M. & P. 4,451	751	Kingston-upon-Thames	M. 6,279	1,119
Hastings	P. 6,154	1,169	Kirkham	P. 2,777	517
Haverfordwest	M. 16,966	2,471	Knaresborough	P. 5,536	1,326
Haverfordwest Dis- trict of Boroughs	P. 17,011	2,477	Knighton	P. 1,388	292
Hemel Hempstead	M. & P. 6,580	1,281	Knucklas	P. 251	55
Hereford	P. 9,729	1,995	Knutsford	P. 3,127	603
Helston	M. 3,355	672	Lambeth	P. 251,345	39,154
Houley-on-Thames	P. 7,328	1,459	Lampeter	P. 907	187
Hertford	M. & P. 2,727	509	Lancaster	M. 14,604	2,583
Hertford	M. & P. 3,369	667	Leek	P. 16,168	2,891
Hove	M. & P. 12,108	2,426	Leicester	M. 3,397	562
Hove	M. & P. 6,605	1,150	Leamington	P. 6,005	1,051
Hove			Ledbury	P. 15,692	2,732
Hove			Leeds	P. 3,027	584
Hove			Leek	M. & P. 172,270	36,166
Hove			Leicester	P. 8,877	1,759
Hove			Leigh	M. & P. 60,584	12,805
Hove				P. 5,206	956

TABLE XIX.—Continued.

Population and Number of Inhabited Houses in the Cities, Boroughs, and Principal Towns in England and Wales in 1851.

City, Borough, or Town.	Population.	Inhabited Houses.	City, Borough, or Town.	Population.	Inhabited Houses.
Leighton Buzzard.....	4,465	851	Melton Mowbray.....	4,391	835
Leominster	M. & P. 5,214	1,118	Merthyr Tydfil	P. 63,080	11,681
Lewes	P. 9,533	1,747	Middlesborough	7,431	1,262
Lichfield	M. & P. 7,012	1,412	Middleton	5,740	1,179
Lincoln	M. & P. 17,536	3,450	Midhurst	P. 7,021	1,300
Liskeard	M. 4,386	623	Milford	P. 2,837	497
	P. 6,204	965	Mold	P. 3,432	719
Littlehampton	2,436	466	Monmouth	M. & P. 5,710	1,110
Liverpool	M. & P. 375,955	54,310	Monmouth District of Boroughs	P. 26,512	4,327
Llandovery	M. 1,927	391	Montgomery	P. 1,218	260
Llanelly	P. 8,710	1,651	Montgomery District of Boroughs	P. 17,887	3,871
Llanllinny	P. 1,116	246	Morpeth	M. 4,096	559
Llangefni	P. 1,362	321		P. 10,012	1,467
Llanidloes	M. & P. 3,045	652	Nantwich	5,426	1,129
Llantrisaint	P. 1,007	245	Narberth	P. 1,392	281
Loudon	M. & P. 127,869	14,580	Neath	M. & P. 5,841	1,133
Longtown	2,142	372	Nevin	P. 1,854	418
Loughborough	10,900	2,324	Newark	M. & P. 11,330	2,370
Loughor.....	P. 821	171	Newbury	M. 6,574	1,362
Louth	M. 10,467	2,209	Newcastle-under-Lyme	M. & P. 10,569	2,153
Lowestoft	6,580	1,263	Newcastle-upon-Tyne	M. & P. 87,784	10,441
Ludlow	M. 4,691	1,003	New Malton	P. 7,661	1,515
Luton	P. 5,376	1,133	Newmarket	3,356	631
Lutterworth	10,618	1,959	Newport (Wales)	M. & P. 8,047	1,550
Lymore Regis.....	2,416	545	Newport (Monmouth)	M. & P. 19,323	2,908
Lymington	M. 2,661	522	Newport (Salop)	2,906	553
	P. 3,516	708	Newport Pagnell	3,312	705
	M. 2,651	487	New Radnor	P. 2,345	467
	P. 5,282	1,029	New Radnor District of Boroughs	P. 6,653	1,381
Macclesfield	M. & P. 39,048	8,312	New Shoreham	P. 30,553	5,421
Machynlleth	P. 1,673	357	Newton Abbot	3,147	581
Maidenhead	M. 3,607	676	Newtown	P. 6,371	1,421
Maidstone	M. 20,740	3,667	Northallerton	P. 4,995	1,064
	P. 20,801	3,676	Northampton	M. & P. 26,657	4,886
Maldon	M. 4,558	902	Norwich	M. & P. 68,195	11,988
Malmsbury	P. 5,888	1,179	Nottingham	M. & P. 57,407	11,519
Malton	P. 6,998	1,420	Nuneaton	4,859	1,125
Manchester	M. 303,382	50,731	Oakham	2,800	570
	P. 316,213	53,204	Oldbury	5,114	907
Mansfield	10,012	2,141	Oldham	M. 52,820	9,900
March	4,171	731		P. 72,357	13,658
Margate	9,107	1,825	Ormskirk	5,548	911
Market Harborough	2,325	480	Oswestry	M. 4,817	995
Marlborough	M. 3,908	608	Otley	4,522	816
Marlow, Great	P. 5,133	781	Ottery St. Mary	2,534	536
Marylebone	P. 6,523	1,211	Oundle	2,689	545
Maryport	P. 370,957	40,513	Over Darwen	7,020	1,302
Melbourne.....	5,698	1,212	Overton	P. 1,479	310
Melcombe Regis and Weymouth	2,227	495	Oxford	M. & P. 27,843	4,933
Melksham	M. & P. 9,458	1,722	Pembroke	M. & P. 10,107	1,792
	2,931	648			

TABLE XIX.—Continued.

Population and Number of Inhabited Houses in the Cities, Boroughs, and Principal Towns in England and Wales in 1851.

City, Borough, or Town.	Population.		Inhabited Houses.	City, Borough, or Town.	Population.		Inhabited Houses.
Pembroke District of Boroughs.....}	P.	16,700	2,930	St. Albans*	M. & P.	7,000	1,361
Penrith		6,668	1,307	St. Asaph	P.	2,041	431
Penury	M.	3,959	779	St. Austell		3,565	697
Penryn and Falmouth..	P.	13,656	2,143	St. Helens		14,866	2,291
Penzance	M.	9,214	1,878	St. Ives (Cornwall).{	M.	6,525	1,403
Pershore		2,717	565	St. Ives (Hunts)	P.	9,872	2,003
Peterborough.....	P.	8,672	1,755	St. Neots		3,522	730
Petersfield	P.	5,550	1,072	Salford	M.	63,850	11,447
Petworth		2,427	436		P.	85,108	15,342
Pickeing		2,511	552	Salisbury	M. & P.	11,657	2,311
Plymouth	M. & P.	52,221	5,171	Sandbach		2,752	553
Pocklington		2,546	559	Sandwich	M.	2,966	602
Pontefract	M.	5,103	1,069	Sandwich and Deal	P.	12,710	2,474
Pontypool	P.	11,515	2,496	Scarborough	M. & P.	12,915	2,838
Poole	M. & P.	9,255	1,903	Selby		5,109	1,079
Portsmouth	M. & P.	72,096	12,825	Shaftesbury	M.	2,503	481
Prescot		7,393	1,209		P.	9,404	1,894
Presteigne	P.	7	345	Sheerness		8,549	1,458
Preston	M. & P.	69,542	11,348	Sheffield	M. & P.	135,310	27,099
Pwllheli	M. & P.	2,709	635	Shepton Mallet		3,885	825
Radcliffe.....		5,002	927	Sherborne		3,878	732
Radnor New, District of Boroughs.....	P.	6,653	1,381	Shoreham, New	P.	30,553	5,421
Ramsey		2,641	583	Shrewsbury	M. & P.	19,681	3,900
Ramsgate		11,838	2,022	Sidmouth		2,516	496
Reading	M. & P.	21,456	4,098	Skipton		4,962	979
Redruth		7,095	1,232	Sleaford		3,729	747
Reigate	P.	4,927	792	Soham		2,756	640
Retford, East	M.	2,943	587	Southampton	M. & P.	35,305	5,749
Rhayader	P.	46,054	9,613	South Molton	M.	4,482	929
Rhuddlan	P.	1,007	216	South Petherton		2,165	439
Richmond (Surrey)	P.	1,472	313	Southport		4,765	878
Richmond (York)	M.	9,065	1,531	South Shields	M. & P.	28,974	3,439
Ripon	P.	4,106	843	Southwark	P.	172,863	23,751
Rochdale	P.	4,969	1,032	Southwell		3,516	724
Rochester	M. & P.	6,080	1,345	Southwold	M.	2,109	501
Romford	P.	29,195	5,829	Southwrey Bridge		4,365	867
Romsey	M. & P.	14,938	2,549	Spalding		7,627	1,503
Roscommon		3,791	767	Stafford	M. & P.	11,829	1,977
Ross	M.	2,080	434	Staines		2,430	469
Rotherham		2,674	517	Stalybridge		20,760	3,670
Rugby		6,325	1,269	Stamford	M. & P.	8,933	1,616
Rugeley		6,317	1,103	Stockport	M. & P.	53,835	10,568
Runcorn		3,054	569	Stockton	M.	1,867	342
Ruthin	M. & P.	8,049	1,591		Town	9,808	1,907
Ryde		3,373	768	Stoke-upon-Trent	P.	84,027	15,562
Rye	M.	7,147	1,265	Stone		3,443	666
Saffron Walden.....	P.	4,071	726	Stourbridge		7,847	1,523
		8,541	1,557	Stowmarket		3,161	657
	M.	5,911	1,173	Stratford		10,586	1,817
				Stratford-on-Avon	M.	3,372	694
				Stroud	P.	36,535	8,182

* St. Albans, by its disfranchisement since the Census was taken, has become a Municipal Borough only.

TABLE XIX.—Continued.

Population and Number of Inhabited Houses in the Cities, Boroughs, and Principal Towns in England and Wales in 1851.

City, Borough, or Town.	Population.	Inhabited Houses.	City, Borough, or Town.	Population.	Inhabited Houses.
Sudbury.....	M. 6,043	1,280	Warcham	P. 7,218	1,351
Sunderland	M. 63,897	7,975	Warminster	P. 4,220	872
	P. 67,394	8,519	Warrington	M. 22,894	4,285
Swaffham		3,858		P. 23,363	4,380
Swanage		2,014	Watford	M. & P. 10,973	2,229
Swansca	M. & P. 31,461	6,001	Wednesbury		3,800
Swansca Dist. of Boros.	P. 45,123	8,491	Wellingborough		11,914
Tadcaster		2,527	Wellington (Salop)		5,061
Tamworth	M. 4,059	826	Wellington (Somerset)		1,055
	P. 8,655	1,760	Wells	M. & P. 4,736	906
Taunton	P. 14,176	2,645	Wells-next-the-Sea		3,633
Tavistock	P. 8,086	1,009	Welshpool	M. 6,564	1,376
Teignmouth		5,013		P. 4,434	935
Tenby	M. & P. 2,982	499	Wenlock	M. 18,728	3,810
Tenterden	M. 3,901	708	Whitby	P. 20,588	4,165
Tetbury		2,615	Westbury	P. 7,029	1,535
Tewkesbury	M. & P. 5,878	1,274	Westminster	P. 241,611	24,753
Thame		2,869	Weymouth and Melcombe Regis	M. & P. 9,458	1,722
Thetford	M. & P. 4,075	844	Whitstable	P. 10,989	2,239.
Thirsk	P. 5,319	1,151	Whitlesley		3,619
Thorne		2,820	Wigan	M. & P. 31,941	5,686
Tiverton	M. & P. 11,141	2,181	Wigton	P. 4,244	957
Todmorden		4,532	Wilton	P. 8,607	1,721
Topsham		2,717	Wimborne		2,295
Torquay		7,903	Winchcombe		3,086
Torrington	M. 3,308	666	Winchester	M. & P. 13,704	2,077
Totnes	M. & P. 4,419	728	Windsor	M. & P. 9,596	1,417
Towcester		2,478	Wirksworth		2,632
Tower Hamlets	P. 539,111	75,710	Wisbeach	M. 10,594	2,141
Tranmere		6,519	Wiston	P. 774	142
Tredegar		8,305	Witney		3,099
Tring		3,218	Wokingham		2,272
Trowbridge		10,157	Wirksworth		1,369
Truro	M. & P. 10,733	2,194	Wolverhampton	M. 49,985	9,181
Tunbridge		4,539		P. 119,748	22,281
Tunbridge Wells		10,587	Woodbridge		5,161
Tyldesley		3,608	Woodstock	P. 7,983	1,623
Tynemouth	M. & P. 29,170	4,295	Worcester	M. & P. 27,528	5,695
Ulverstone		6,133	Worthing		5,837
Uppingham		2,068	Wrexham	P. 6,714	1,262
Upwell		2,091	Wycombe, Chipping	M. 3,588	690
Usk	P. 1,479	309		P. 7,179	1,441
Uttoxeter		3,168	Wymondham		2,970
Uxbridge		3,236	Yarmouth	M. & P. 30,879	6,886
Ventnor		2,569	Yeovil		5,985
Wakefield	M. 22,065	4,391	York	M. 36,303	7,077
	P. 22,057	4,390		P. 40,359	7,778
Wallingford	M. 2,819	522			
	P. 8,064	1,635			
Walsall	M. & P. 25,680	4,921			
Waltham Abbey		2,329			
Wantage		2,951			
Ware		4,882			
		993			

TABLE XX.

Population and Number of Inhabited Houses in the Cities, Burghs, and Principal Towns in Scotland in 1851.

NOTE.—The letters denote—M. Municipal limits; P. Parliamentary limits; and M. & P. Municipal and Parliamentary limits the same.

City, Burgh, or Town.	Population.	Inhabited Houses.	City, Burgh, or Town.	Population.	Inhabited Houses.
Aberdeen.....{	M. 53,808	3,889	Dalkeith	5,086	462
	P. 71,973	5,829	Dalry	2,706	240
Airdrie	M. & P. 14,435	1,239	Denny	2,446	261
Alexandria.....	3,781	306	Dingwall	M. & P. 1,990	314
Alloa	6,676	618	Dornoch	M. & P. 599	109
Alva	3,058	330	Dumbarton	M. 4,590	274
Annan	M. 4,570	829	Dumfries	P. 5,445	313
	P. 3,426	611	Dumfries District of Burghs	M. 11,107	1,373
Anstruther Easter	M. & P. 1,161	194		P. 13,166	1,582
Anstruther Wester	M. & P. 365	53	Dunbar	P. 22,752	3,151
Arbroath	M. 8,302	855	Dundee	M. 2,965	394
	P. 16,986	1,734	Dunfermline	P. 3,038	405
Ardrossan	2,071	170	Dunoon	M. 61,449	3,548
Auchterarder	2,520	325	Dunse	P. 78,931	5,040
Auchtermuchty	2,673	561	Duntocher	M. 8,577	883
Ayr	M. 9,110	1,040	Dysart	P. 13,836	1,487
	P. 17,624	1,855	Earlsferry	M. 2,249	345
Ayr District of Burghs	P. 34,841	3,569	Elgin	P. 2,567	392
Banff	M. 3,557	615	Elgin District of Burghs	M. 2,446	183
	P. 6,000	1,073	Falkirk	P. 1,610	198
Bannockburn	2,627	345	Falkirk District of Burghs	P. 8,041	1,064
Barrhead	6,069	348	Falkland	M. 436	89
Bathgate	3,341	351	Ferryport-on-Craig	M. 66,734	2,789
Beith	4,012	326	Forfar	P. 160,302	7,786
Bervie or Inverbervie	M. 878	159	Forres	M. 5,383	926
	P. 931	171	Galloway, New	P. 6,337	1,091
Blaigowrie	2,914	387	Fraserburgh	M. 21,072	3,837
Bonhill	2,327	166	Galashiels	M. & P. 8,752	949
Borrowstounness	2,645	171	Falkland	P. 42,038	4,104
Brechin	M. 4,515	520	Ferryport-on-Craig	M. 1,330	231
	P. 6,637	758	Forfar	M. & P. 2,051	331
Broughtyferry	2,772	460	Forres	M. 9,311	1,023
Buckie	2,789	532	Fortrose	M. 3,339	690
Burntisland	M. 2,329	242	Fraserburgh	P. 3,468	718
	P. 2,724	293	Galashiels	M. & P. 1,148	228
Calderbank	2,872	206	Galloway, New	M. 3,093	395
Campbeltown	M. & P. 6,880	653	Girvan	P. 5,918	562
Carlisle	2,845	355	Greenock	M. & P. 447	88
Coatbridge	8,564	955	Haddington	M. 329,097	11,965
Coldstream	2,238	281	Govan	P. 2,538	253
Coupar-Angus	2,004	368	Greenock	M. 7,319	982
Crail	M. & P. 1,247	259	Haddington	P. 3,131	296
Crieff	3,824	539	Glasgow	M. 36,689	1,714
Cromarty	M. & P. 1,988	327		M. 2,887	353
	M. 3,165	642		P. 3,883	473
Cullen	P. 1,697	356			
Culross	M. & P. 605	110			
Cumnock, Old	2,395	360			
Cupar	M. 4,005	526			
	P. 5,686	761			

TABLE XX.—*Continued.*

Population and Number of Inhabited Houses in the Cities, Burghs, and Principal Towns in Scotland in 1851.

City, Burgh, or Town.	Population.	Inhabited Houses.	City, Burgh, or Town.	Population.	Inhabited Houses.
Haddington District of Burghs	P. 12,504	1,607	Leith	M. & P. 30,919	2,084
Hamilton	M. & P. 9,630	967	Leith District of Burghs	P. 41,508	3,555
Hawick	6,683	456	Lennoxtown		3,108 229
Helensburgh	2,811	362	Lerwick		2,904 331
Huntly	3,131	564	Leven		2,083 338
Inverary	M. 1,161	113	Linlithgow	M. 4,071	328
	P. 1,061	94		P. 4,213	348
Inverbervie	M. 878	159	Lochmaben	M. 1,498	288
	P. 934	171		P. 1,092	222
Inverkeithing	M. 1,197	206	Lochwinnoch		2,271 213
	P. 1,852	240	Maybole		3,862 394
Inverness	M. 9,969	1,255	Montrose	M. 11,328	1,336
	P. 12,793	1,704		P. 15,238	1,473
Inverness District of Burghs	P. 20,386	3,212	Montrose District of Burghs	P. 49,106	5,159
Inverury	M. 2,084	316	Musselburgh	M. & P. 7,092	890
	P. 2,261	340		M. 3,401	646
Irvine	M. 4,790	533	Nairn	P. 2,977	562
	P. 7,534	811	Neilston		2,075 118
Jedburgh	M. 2,948	311	Newburgh	M. 2,638	292
	P. 3,615	402	New Galloway	M. & P. 417	88
Johnstone	5,872	311	Newmilns		2,211 220
Keith	2,101	446	Newton Stewart		2,599 411
Kelso	4,783	491	North Berwick	M. 498	72
Kilbarchan	2,467	220		P. 863	133
Kilbirnie	3,399	186	Oban	M. & P. 1,742	156
Kilmarnock	M. 19,201	1,374	Old Cumnock		2,395 360
	P. 21,443	1,652	Paisley	M. 31,752	1,662
Kilmarnock District of Burghs	P. 43,365	3,263		P. 47,952	2,647
Kilrenny	M. & P. 1,862	251	Peebles	M. 1,982	310
Kilsyth	3,949	422	Perth	M. 14,681	1,170
Kilwinning	3,265	360		P. 23,835	1,991
Kincardine	2,697	513	Peterhead	M. 4,819	593
Kinghorn	M. 1,377	158		P. 7,298	886
	P. 1,568	174	Pittenweem	M. & P. 1,450	264
Kinross	2,590	389	Pollockshaws		6,086 387
Kintore	M. & P. 476	91	Port Glasgow	M. & P. 6,986	418
Kirkcaldy	M. 5,093	422	Portobello	M. & P. 3,497	581
	P. 10,475	894	Portsoy		2,062 431
Kirkcaldy District of Burghs	P. 22,808	2,425	Queensferry	M. 720	87
Kirkcudbright	M. 2,778	414		P. 1,195	142
	P. 2,687	397	Renfrew	M. 2,722	295
Kirkintilloch	6,342	512	Renton	P. 2,977	317
Kirkwall	M. 2,448	333	Rothesay		2,398 218
	P. 3,451	457	Rutherglen	M. 7,104	632
Kirriemuir	3,518	498		M. 6,947	605
Lanark	M. 5,304	651	St. Andrews	P. 6,514	563
	P. 5,008	601		M. 4,730	599
Largs	2,824	392	St. Andrews District of Burghs	P. 5,107	675
Lauder	M. & P. 1,105	194	Saltcoats	P. 16,878	2,457
					4,338 537

TABLE XX.—Continued.

Population and Number of Inhabited Houses in the Cities, Burghs, and Principal Towns in Scotland in 1851.

City, Burgh, or Town.	Population.	Inhabited Houses.	City, Burgh, or Town.	Population.	Inhabited Houses.
Sanquhar.....{	M. 1,884	282	Tain	M. 2,588	450
	P. 2,381	339		P. 2,049	349
Selkirk	M. 3,314	380	Thurso	2,908	417
Stevenson.....	2,095	272	Tillicoultry	3,217	268
Stewarton	3,164	313	Tramont.....	2,096	365
Stirling.....{	M. 9,361	767	Troon	2,404	200
	P. 12,837	1,270	Whithorn	M. & P. 1,652	291
Stirling District of Burghs	P. 30,325	3,249	Wick	M. 1,514	171
Stonehaven	3,210	484	Wick District of Burghs	P. 16,799	2,441
Stonchouse	2,086	311		M. 2,232	339
Stornoway	2,391	291	Wigtown	P. 2,121	323
Stranraer.....{	M. 3,877	523	Wigtown District of Burghs	P. 9,958	1,195
	P. 5,738	793			
Strathaven.....	4,274	418	Wishawton	3,373	363
Stromness	2,055	379			

TABLE XXI.

Number of each class of Public Institution in England and Wales, Scotland, and the Islands in the British Seas, and the Number of Persons inhabiting them, in 1851.

Class of Institution.	Number.	Persons Inhabiting them.		
		Males.	Females.	Total.
Barracks	152	40,829	7,738	48,567
Workhouses	716	63,303	62,127	125,430
Prisons	162	21,964	4,762	26,726
Lunatic Asylums	127	8,351	9,787	18,141
Hospitals	94	5,147	4,906	10,053
Asylums	507	21,814	17,275	42,089

SCOTLAND.

Barracks	18	2,858	892	3,750
Workhouses.....	26	2,029	3,203	5,232
Prisons.....	92	2,541	1,573	4,114
Lunatic Asylums.....	22	1,399	1,464	2,863
Hospitals	24	746	848	1,594
Asylums	66	2,369	2,273	4,642

ISLANDS IN THE BRITISH SEAS.

Barracks	4	1,146	470	1,616
Workhouses	4	454	466	920
Prisons	3	88	31	119

TABLE XXII.

Births, Deaths, and the Excess of Births over Deaths, in England and Wales, for the Twelve Years from 1841 to 1852, inclusive.

Years.	Births.			Deaths.			Excess of Births over Deaths.
	Males.	Females.	Total.	Males.	Females.	Total.	
1841.....	262,714	249,444	512,158	174,198	169,649	343,817	168,311
1842.....	265,204	252,535	517,739	176,594	172,925	349,519	168,220
1843.....	270,577	256,748	527,325	175,721	170,724	346,445	180,880
1844.....	277,436	263,327	540,763	181,126	175,807	356,933	183,830
1845.....	278,418	265,103	543,521	177,529	171,837	349,366	194,155
1846.....	293,146	279,479	572,625	198,325	191,990	390,315	182,310
1847.....	275,658	261,307	539,965	214,375	208,929	423,304	116,661
1848.....	288,346	271,713	563,059	202,949	196,851	399,833	163,226
1849.....	295,158	283,001	578,159	221,801	219,052	440,853	137,306
1850.....	302,834	290,588	593,422	186,459	182,527	368,986	224,436
1851.....	....	....	615,865	....	....	395,174	220,691
1852.....	....	....	624,171	....	....	407,938	216,233

TABLE XXIII.

Emigration from Great Britain and Ireland in each Year from 1843 to 1852, inclusive, and the destination of the Emigrants.

Years.	Destination of Emigrants.					Total.
	British North America.	United States.	Australia and New Zealand.	All other Places.		
1843.....	23,518	28,335	3,478	1,881		57,212
1844.....	22,924	43,660	2,229	1,873		70,686
1845.....	31,803	58,538	830	2,330		93,501
1846.....	43,439	82,239	2,347	1,826		129,851
1847.....	109,680	142,154	4,919	1,487		258,270
1848.....	31,065	188,233	23,904	4,887		248,089
1849.....	41,367	219,450	32,191	6,490		299,498
1850.....	32,961	223,078	16,037	8,773		280,849
1851.....	42,605	267,357	21,532	4,472		335,966
1852.....	32,876	244,261	87,881	3,749		368,764

It would appear by the foregoing table that the number of emigrants sailing from the United Kingdom in 1852 amounted, on an average, to upwards of a thousand a day.

Since the earlier editions of this pamphlet went to press, the author has ascertained that the amount voted by Parliament for taking the census of the United Kingdom was £170,000.

FROM THE
COMMISSIONERS FOR THE IMPROVEMENT
OF THE
TOWN OF CALCUTTA,
TO THE MOST NOBLE
THE MARQUIS OF DALHOUSIE, K. T
Governor of Bengal.

Dated Calcutta the 1st January, 1854.

MY LORD MARQUIS,

We have the honor of submitting herewith for your Lordship's information our Report of the Municipal and Conservancy operations in the Town of Calcutta for the year 1853, or from the 1st February to 31st December last.

2.—Our last Report was drawn up for the twelve months from the 1st February, 1852 to the 31st January, 1853, that it might coincide with the quarters of the Assessment, which are fixed by Section 38, Act X. of 1852; but, considering it advisable to have our reports made out for the Calendar year, we have now adopted that plan, and closed our accounts and other books on the 31st December, 1853. In order, however, that a fair comparison may be instituted between this and *succeeding* years, we have included the assets for the month of January, 1853, which appeared in the last Report.

ASSESSMENT.

3.—We are happy to state that the Assessment of the House Tax has somewhat increased during the year. The total demand for the Eleven Months amounted to Rupees 3,23,497-9-12. The amount of remissions for Vacancy of Houses has rather decreased, being for the same period, Rupees 12,848-14-6, there was thus a net balance of Rupees 3,10,648-11-6 to be collected.

Amount of Assessment and Remission for Vacancy for the whole year 1853.

Gross amount.	Remission for vacancy.				Amount of Bills deliver- ed to Collec- tor.	
	Rs.	A.	G.			
One month, January 1853, of the						
4th Quarter,	29,242	8	5	1,122	13	13
5th Quarter,	88,181	12	9	3,391	2	8
6th Quarter,	88,217	1	16	4,013	4	6
7th Quarter,	88,259	3	13	3,478	12	8
2 months, November and December, of the 8th Quarter,.....	58,875	2	0	1,965	11	4
Total,..	352,775	12	3	13,971	11	19
					338,804	0 3

4.—It is not practicable to institute a comparison of the Assessment between the years 1852 and 1853, because the first month of the former year was assessed under the statute at 5 per cent, and the remainder of the year under Act X. of 1852 at $6\frac{1}{4}$ per cent. The Remissions for Vacancy in that month were also on a different scale from those of the remaining eleven months. By the new arrangement above alluded to we shall be able to give full comparative statements in future.

COLLECTION OF HOUSE TAX.

5.—The Collection of the House Tax during the past year has been carried on with great regularity, and much to our satisfaction. If the two months, for which the Bills had not been issued when this account closed, be excluded, we have never had so small an Outstanding Balance.

6.—The net Amount of Assessment to be collected, and the sum realized in the twelve months was as follows:—

	Account of Bills deliver- ed to Collec- tor.	Amount Col- lected.			Remission and Cance- lment by sit- ting Commis- sioner.		Balance December 31st, 1853.		
One month Jan. 1853, of the									
4th Quarter,	28,119	10	12	28,075	15	7	39	6	19
5th Quarter,	84,790	10	..	84,711	10	9	29	12	16
6th Quarter,	84,203	13	10	83,507	12	19	..	9	..
7th Quarter,	84,780	7	5	51,505	6	13	..	..	33,275
2 months, November and December of the		*							
8th Quarter,	56,909	6	16						
	338,804	0	3	247,800	13	8	69	12	15
								31,023	15
									5

OUTSTANDING BALANCES.

7.—Of the Outstanding Balance of House Tax under the statute, quoted in page 3 of our last Report, viz. Rupees 624-2-2 (to which should be added the sum of Rs. 8-10-7 overpaid by the Collector, making an aggregate of Rs. 632-12-9) Rs. 284-1-12 have been collected; the remainder Rs. 348-10-17 has been cancelled and struck off as irrecoverable.

8.—Of the balance under Act X. of 1852 quoted in the same page, amounting to Rs. 28,441-9-15, the sum of Rs. 28,345-0-4

* These Bills are not due till the 1st February, 1854.

has been collected; Rs. 83-9-13 have been cancelled as irrecoverable, and there remain only Rs. 12-13-18, which we hope to realize.

9.—The amount of Outstanding Balance in the 7th Quarter shewn under the Head of collection appears large, but it is to be remarked, that only two months have elapsed since these Bills became due, and that they are now under collection. The whole of the Bills for the quarter were not delivered to the Collector till the 28th of November, and we anticipate no larger balance for this quarter than for either of the preceding ones.

10.—The Assessment for the two months November and December, 1853, will not be due till the 1st of February, and the Bills have not yet been given for collection.

11.—The Outstanding Balance of the Carriage and Horse Tax, amounted in our last Report to Rs. 1,666-2-6, of which we have been obliged to write off Rs. 456-0-6 as irrecoverable; we have realized Rs. 166-8-0 and the remainder Rs. 1,043-10-0 is in course of payment by one of our Inspectors; this will finally close these very intricate accounts.

RECEIPTS AND DISBURSEMENTS.

12.—The particulars under these heads are detailed in Appendix No. 1, which contains them for the whole year 1853, but as those of January, 1853, were included in the Appendix No. 1 of the 9th Report, their totals are given separate at the foot of the Account.

13.—The Contingent receipts of 1853, Appendix No. 1, far exceeding those of the preceding year, and the Disbursements, which have been correspondingly large, will be referred to under their respective Heads. The balance in hand is also greater than at the close of our last Report.

14.—On the 27th of April, 1853, we invested in ~~Government~~ Promissory Notes of the Government 4 per cent. Loan of 18 12-13 the sum of Rupees 61,000-0-0, and there is a balance in the Bank of 29,452-1-2, making a total balance Rupees 90,452-1-2.

On the 31st December of the preceding year 1852, the amount in hand was only Rupees 75,102-8-6.

15.—We think that a few remarks may not be out of place here on a point that seems to be generally misunderstood by the public. We allude to the impression that a very unreasonable proportion of the Collection is expended on Establishments. That a large Establishment is maintained is not to be denied, but the inference too commonly drawn from that fact, viz. that the Establishment is too large or too largely paid, can be shewn, as we imagine, to be altogether erroneous. The simple fact is, that the daily routine of the Conservancy Department consisting of Road and Drain-cleansing and Partial Repairs, requires an extensive fixed Establishment. The general supposition seems to be that this Establishment has no duty but that of a general supervision of works, and for that it would indeed be needlessly large; but we believe that, if the work to be done, indeed we may fairly say that, if the work *actually done* be duly considered, the Establishment maintained will be found as moderate as possible. The work of cleansing this great Town is performed exclusively by manual labour and Bullock Carts.

16.—The number of Drain and Road coolies employed is 674. These are superintended by 6 Overseers, 6 Sircars and 14 Peons.

17.—The number of Bullock Carts is 249, and of Bullocks 376. The number of Drivers attached is 249. In addition to which we have a daily average of 144 Bullocks and Drivers supplied by *contract*.

18.—In the repair of Carts, &c. we have altogether 26 Workmen. For the superintendence of these large Establishments in the 2 Gowkhanas we have only 2 Overseers.

19.—The whole of the expenditure on the Establishments shewn in Appendix No. 2, viz. .

Road Department,	Rs.	9,835	13	2
Cleansing Department,		92,771	7	5

Total,... 1,02,607

may be considered synonymous with labour performed.

20.—What may reasonably be called the Establishment is thus reduced to

SURVEYOR'S ESTABLISHMENT.

Surveyor,	600	0	0
Writers, Draftsman and Peon, &c.	201	0	0

The Collector is allowed $3\frac{1}{2}$ per cent. on the total sum of his collections, which commission in 1853 amounted to Rupees 12,313-1-9, out of which he has to pay the whole of his Establishment and for the checking of his accounts and keeping the accounts in general are entertained

1 Accountant,	200	0	0
3 Writers,	76	0	0
Total,...	276	0	0

Examiners and Bailiffs,	240	0	0
-------------------------------	-----	---	---

The Assessment Department, with which, being under the Justices, the Commissioners have no concern, viz.

One Assessor,	500	0	0
Two Writers,	46	0	0
One Justice's Clerk,.....	200	0	0
One Writer, Peon and Duffree,	37	8	0
Total,...	783	8	0

And the Superior Establishment which consists of

4 Commissioners,	at 250	1,000	0	0
1 Secretary,		600	0	0
Writers, Peons, &c.		98	0	0
Total,...		1,698	0	0

21.—THE EXECUTIVE DUTIES performed have been as usual, viz. :

Road making and repairing, Widening and improving Streets and Ghats, Draining, Seavenging, Lighting, and Watering, all of which demand separate remark.

ROADS.

22.—The maintenance of the several Streets and Roads of the Town in as good a state as possible for traffic has had our best attention, and it will be found that we have expended a much larger sum during the year on this account, than during the previous twelve months. In laying down new Stone and Khoa we have carefully kept in view the convenience of the Public, and have levelled and rolled new materials with all possible expedition.

23.—New Layers of Stone, Shingle and Khoa have been put on Roads to the extent of 14 miles 3 fur. 8 poles. 5 yds.; those of Stone and Shingle averaging 34 feet wide; those of Khoa 20 feet 6 inches. The partial repairs during the year, at an average width of 20 feet, amount to 12 miles 7 fur. 3 poles. The particulars of these accounts and the names of the Streets repaired will be found in Appendices No. 3 and No. 4. On comparison with the work done during the previous year, it will be seen that there has been a considerable increase in 1853, and the expenditure also has of course been greater. In the twelve mouths of the previous year, the amount paid on this head was Rupees 70,952-2-1, and in 1853 it rose to Rupees 96,714-10-7.

24.—Stone Roads are so much more durable than those made of Khoa, that on this ground it seems desirable to extend the use of Stone. But the supply imported is so far from sufficient that only two Streets, Suddur and Loudon, hitherto laid with Khoa, have during the past year been added to the list of those Metalled with Stone. There are, however, some points in which Khoa metalling is much superior to stone; in the hot weather the dust is more easily laid: in the rains a Khoa Road is washed clean, whilst stone becomes lamentably muddy, and at all times the passage of carriages is far less noisy and rough over Khoa than over stone.

25.—In our 8th Half yearly Report pages 4 and 5, we remarked on the inexpediency of putting what is called binding cement on Metal Roads, and quoted several of the best authorities on the

subject in support of this opinion, which our subsequent experience has not given us any reason to retract, for we have invariably found that the roads on which the cement was most speedily laid, have been the first to get bad and require renewal.

26.—A general improvement in the state of the Roads has, we think, been apparent, and the money laid out for this object, although forming a very large proportion of our assets, may be said to have been well spent. The expenses attendant on Road-making in this Town are confessedly very heavy, and our constant endeavours are directed to keep the charges as low as possible.

DRAINAGE.

27.—The Drains continue to be a source of great anxiety to us, and every expedient within our limited means is used to improve those which most urgently demand alteration. Several drains have been arched over, Retaining walls and, Bridges built, Tunnels repaired, and new surface Drains constructed during the year to the extent of Rupees 19,168-13-1, as shewn in the statement marked in Appendix No. 5. But the general Drainage of the Town is the same as it has ever been, and we fear must remain so, until a proper scheme be devised for a radical reform, and some special Funds placed in our hands for carrying such a scheme into execution. We beg to refer to pages 7 to 15 of our 8th Half yearly Report on this important subject.

28.—On the 17th December last, the Hon'ble Court's Despatch,

* Despatch in the Judicial Department, under date 15th June, 1853, No. 2, Para. 5. cited in the margin,* was forwarded to us with instructions to try the Plan of carrying off noxious Exhalations, proposed by Mr. Pontifex in the London Times of the 10th January 1853, by means of Tubes fixed against the walls of houses and carried to a sufficient height above. We consequently ordered the construction of a few of the requisite Iron tubes. Some of these have been fixed to houses of which the inhabitants suffer much from unpleasant and noxious effluvia.

If success be proved to attend this trial, the application of such tubes can be extended to such localities, as may be adapted for it, where the houses are built immediately in contact with the Drains, as in many streets in the heart of the Town; but this is not generally the case in Calcutta, the majority of houses being built within compounds. The remedy proposed is certainly very easy and within the reach of many of the Inhabitants, who will doubtless be glad to erect Tubes at their own expense, if those, of which we now speak prove effectual for the object in view.

SCAVENGING.

29.—The business in this Department has been performed in a very satisfactory manner during 1853, and from the enormous sum expended on this branch of the Conservancy amounting to Rupees 1,03,142-0-0 may be gathered, the extent of work there is to be performed in a city like this. In October last we took in hand a thorough revision of the working Establishment of the whole Town, and allotted to each portion of it and to each sphere of labour a fitting proportion of labourers. With the sanction of Government we abolished the situation of Inspector of nuisances, and increased the divisions of the Town from 5 to 6, with an overseer to each, and we have had every reason to be satisfied with this new arrangement, which involved an additional expense of only 15 Rupees.

30.—The two Gowkhannas, the expenses of which are included in the abovenamed sums are in a greatly improved state. The cattle are far better fed and kept than they used to be, and our new Carts are so superior to the old ones, that more work is done with less wear and tear; but it will still be long before we can afford to dispense entirely with the unwieldy vehicles built before we introduced the present pattern.

LIGHTING.

31.—The additional thirty Public Lamps mentioned in our last Report, have been brought into use, and have added much to

the convenience of the public. For some months past the private Lamps have been much better attended to than formerly, but they are of necessity very irregularly placed, and therefore not so generally useful as those which are under the regulation of the Conservancy.

32.—Owing to the economy which we are compelled to observe in our expenditure under the several heads, the cost for lighting is not in such proportion to other charges as we could desire. For the period under review the 375 public lights have cost Rupees 16,573-15-3.

33.—There can be no doubt that a well lighted Town is a great blessing, both in a social and moral point of view, but Calcutta has long been lamentably deficient in its public lights; and we trust that, when the arrangements for the introduction of Gas Light, which have been so actively discussed during the past year, are brought into play, the improvement and benefit to the Town will be manifest.

34.—But with what Funds and to what extent the lighting of the Town is to be effected, is a point on which the members of the Board are divided.

Messrs. Elliott and Thuillier proposed the following passage :

“ In almost all other Towns a separate rate is levied for Lighting, and we are of opinion that this subject deserves the attention of the Legislature when the provisions of the Municipal act may be again considered.”

But Baboos Tariney Churn Banerjee and Dinnobundoo Dey objected, thus.

“ I think that a separate rate for lighting would be very burdensome and oppressive, considering that the recent increase of 1½ per cent. of the House assessment is already severely felt by the house owners upon whom it is levied. On the other hand it is necessary to urge on the particular notice of Government the absolute necessity for an improved system of drainage, without which the Town cannot be properly cleansed, and to solicit his Lordship’s orders for placing in our hands some spe-

cial funds for carrying it into execution ; when this important object, so essential to the health and comforts of the community, is secured it would curtail much of the present manual labour in the department of cleansing and thereby cause a considerable decrease of the large annual expenditure which in the year 1853 amounted to upwards of a lac of rupees. The saving thus effected might be usefully applied to other municipal purposes."

" (Signed) T. C. BANERJIE."

" I imagine that when the legislature abolished the wheel-tax and in lieu of it increased the house assessment from 5 to 6½ per cent. it was considered as the highest the people could bear. Any additional tax therefore would doubtless be very burdensome and oppressive."

" (Signed) D. B. DEY."

35.—The steps which have been taken towards the introduction of Gas will be found fully detailed in the correspondence annexed to this report, which we caused to be printed in the daily Journals for the information of the public.

36.—Under the liberal terms of your Lordship's concessions granted to any joint stock company as described in Mr. Secretary

No. 277 dated Feb. 7th, 1854. Beadon's letters quoted on the margin, the tender of the Oriental Gas Company has been accepted with certain modifications, and the Calcutta Committee have been solicited to urge on the attention of the Directors in England the necessity of prompt action in commencing and executing the works. We therefore reasonably look forward to a decisive line of operations for the laying down of the pipes and erection of the Gas works before the next cold season ; and we anxiously await the arrival of competent persons from England on the part of the Company for the Superintendence of the same.

WATERING.

37.—The cost of the daily watering of the Roads in 1853 amounted to Rupees 11,048-8-0.

38.—Many of the old aqueducts, which were in a very bad state, have been repaired at an expense of Rupees 2,669-14-0.

39.—That newly constructed in Jaun Bazar Street, as mentioned in para. 52, was finished on the 21st December, and has since been in full use.

40.—Appendix No. 5 is a comparative statement of the months during which the streets were watered, the number of superficial feet watered, and the sums disbursed for the same in the years 1852 and 1853.

41.—We are happy to state that some wealthy native gentlemen have commenced a subscription for a new aqueduct from Dhurumtola along the central Road to Bow Bazar, where it is very much needed and will prove of great service. We have offered to pay half the expense of its cost, and are ready to contribute, in like manner, half the sum which may be required for an aqueduct from Bow Bazar to College Square, which will be of great assistance in procuring a proper supply of water to the New Medical College Hospital, and in consideration of which the Government have consented to defray the other moiety.

STEAM ENGINE.

42.—The steam engine has been at work since the 16th October, and done its duty very satisfactorily. It was in action, for a short time, during 21 hours per diem, but threw up so much water that the aqueducts could not carry it off. The time of working has consequently been limited of late to 18 hours per diem, which is sufficient to keep all the aqueducts supplied day and night, except that in the Northern Circular Road which the water never reaches. In the original construction and level of this aqueduct there is some defect, the nature of which we are endeavouring to trace with a view to remedying it, but fear that nothing short of entire reconstruction will render it useful.

43.—We are very desirous of providing for the wants of the public in the Northern Division of the Town, by erecting a second steam engine on the River Bank in the vicinity of Nim-

tollah, if the wealthier classes of the inhabitants will contribute a fair portion of the expenses, which are estimated at not less than 1,25,000 Rupees, including main lines of aqueducts. We have lately received intimation from the Chief Magistrate that your Lordship has been pleased, at his recommendation, to place at our disposal a sum of above eleven thousand Rupees, at present in the hands of the Government agent, being the balance of an old fund raised for a similar object many years ago. This handsome contribution, for which our best acknowledgments are due, has been specially set aside for the purpose indicated, and will form the nucleus of a Fund which, we trust, will be raised to a sufficient amount by the well directed liberality of the native gentry, who have been specially addressed on the subject.

GIFTS OF LAND, &c. FOR THE PUBLIC BENEFIT.

44.—It is with great pleasure that we bring to your Lordship's notice the following instances of public spirit, which have been evinced by several individuals during the past year, in giving land and money for the widening and improving streets in the Town ; and we trust that it may be in our power annually to record a longer list of benefactions for similar useful purposes.

45.—H. H. the Nuwab Nazim has given up ground to the North of the Mint, for the purpose of opening out a good Carriage Road.

46.—Baboo Ashootosh Day gave to the Commissioners 2 Pottahs for some ground valued at 100 Rs., and one hundred Rupees in cash for improving and widening the lane bearing his name, also a slip of ground for widening Manicktollah Street, valued at 50 Rs.

47.—Sreemutty Rasmoney Dossee munificently presented the sum of Rs. 2,500 towards constructing the Aqueduct in Jaun Bazar Street ; the following sums were also subscribed for the same purpose, viz.

· By Baboo Ramdhun Ghose.....	Rs.	250
,, Rajkissen Ghose.....		120
,, Doorgachurn Mookerjee.....		100
,, Raychurn Paul.....		100
seven other Gentlemen.....		68

48.—Baboo Toolsce Doss Mullick and others subscribed the sum of Rs. 1,361 towards defraying the cost of effecting the long needed junction of Durponarayun Tagore's and Ruttun Surkar's Garden Streets.

49.—Baboo Rajender Dutt has contributed Rs. 750 towards constructing a tunnel in Wellington Street.

Dosaboy Kamar, a Parsee gentleman, defrayed half the expense of arching over the two drains the whole length of Dome-tolah Street, the estimate for which was Rupees 1,315-3-0.

50.—The Hon'ble Mr. Dorin contributed 750 Rs. towards a new tunnel in Harington and Little Russel Streets; and in several other cases the European Gentry have paid half the expenses of relaying and arching over Drains.

WIDENING STREETS AND OTHER IMPROVEMENTS.

51.—In this very difficult and expensive branch of our duties, we regret that so little should have to be recorded as the result of our proceedings ; the delays and obstructions met with in the most trifling alteration or improvement of any thoroughfare, and the certainty of law proceedings in almost every case, even where the property of individuals is improved by the change, render our attempts most disheartening, and we shall submit at the proper time our suggestions for remedying the clauses of the Act under this head, alluded to in our last Report para. 28.

52.—A new aqueduct has been constructed along the entire course of Jaun Bazar Street from the Chowinghee Road to Circular Road, a length of 1831 yards, at a cost of about 10,000 Rs. of which 3,138 Rs. were contributed by the public and the balance from the Conservancy Funds. This not only benefits the whole length, about one mile, of that densely populated Street, but also, by its excellent construction, conveys from

the Chowinghee Road an ample supply of water to the aqueduct in the Southern Circular Road, which the previously existing Aqueduct in Dhurumtula failed to do.

53.—In the construction of this work it was found absolutely necessary to remove some projections, which seriously impeded the direction of the Aqueduct and formed a great eye-sore in the Street. The carriage way has now been much improved in consequence. This has been effected at an expense of Rs. 1,200-0-0.

54.—A good thoroughfare on the North of the Mint, from the heart of the Town down to the River, being much needed, we have opened out a convenient road-way where only a very tortuous and narrow footpath previously existed. With this view we addressed the owner of the ground, H. H. Nuwab Nazim, through the Governor-General's Agent at Moorshedabad, and H. H. liberally consented to the transfer of sufficient land for the purpose. The property existing on the ground has been purchased at an outlay of Rupees 2,901, and the thoroughfare, which we have called "Nuwab's Street," has been opened to the Public, connecting Durmaluttah Street with the Strand Road.

55.—A more suitable entrance to Hunnam Gulee has been effected by simply putting back a wall the distance of three feet—the ground for which was given by the Warden of the Armenian Church for a consideration of 100 Rupees.

56.—Neogy Pookur is a large Tank near the Eastern end of Jaun Bazar Street, belonging to and under charge of the Commissioners; but it had only a narrow approach between two Houses on the North side. The tank was consequently beneficial only to the inhabitants of the Houses on its banks, and of little use to the Public. It was also kept in a very filthy state, owing to its secluded position. We therefore purchased and demolished a Pukka House on the Northern bank, by which means a broad entrance, exposing the Tank to view, has been secured, to the benefit of the passer-by as well as to the neighbourhood.

57.—A supply of good water is very much needed in the vici-

nity of Colingah. We have therefore been in negotiation with the owner of a Tank on the Eastern side of Wellesley Street, between South Colingah and Royd Streets, for the purchase of a very eligible piece of Ground, containing a small Tank, in that neighbourhood. The owners were very willing to part with the land at a fair price; but, on putting the Title Deeds into the hands of our Solicitor, difficulties arose, which have prevented our submitting the case definitely for the approval of Government.

58.—We have received communications from parties residing in Park Street, Wellesley Street, Wood Street, and Camac Street, urging on our attention the necessity of a public Tank some where in this neighbourhood, and we shall be glad if we can find means to attain this object.

59.—We beg also to record that, with the approbation of your Lordship, we sold, on the 28th of October last, to the Council of Education, the Road lying between the two Hospitals of the Medical College consisting of nine Cottahs and two Chittaks of Ground, for the sum of 2,000 Rupees.

W. H. ELLIOTT.

H. L. THUILIER.

TARINEY CHURN BANERJIE.

DINNO BUNDOO DEY.

A P P E N D I X.

APPENDIX

Dr. Cash Account of Receipts and Disbursements of the

	RS. AS. P.	RS. AS. P.
To Balance, on the 31st December, 1852,	75,102 8 6	
„ Amount received by Bills of the House Tax for the Year, 1853,	3,55,291 12 6	
„ Ditto ditto by Bills of the Carriage and Horse Tax,.....	258 7 6	3,55,550 4 0
CONTINGENT.		
„ Amount received from the Magistrates on Account of fines for infractions of the provisions of Act 12 of 1852, ..	6,280 1 0	
„ Ditto ditto from Government 12 Months' Allowances for working the Engine at Chandpal Ghat,	1,200 0 0	
„ Ditto ditto from J. O. Beckett, on Account of summons' fees,.....	1,132 2 0	
„ Ditto ditto by Rent of Contract for Skinning Ghaut at Nimtollah for 13 Months at 145 per month,	1,885 0 0	
„ Ditto ditto from J. Rowe, for fees for Fishing in and Grass of Public Tanks and Sundries,.....	625 7 6	
„ Ditto ditto, refunded by Messrs. Grant and Remfrey on Account of Advance made to them for Law,.....	274 6 3	
„ Ditto ditto from Sreenuttee Rossmoney Dossee and others for Constructing Aqueduct in Jaun Bazar,..	3,028 0 0	
„ Ditto ditto from Toolsee Doss Mulieck and others for the Junction of Durponarain Tagore's Street,	1,361 0 0	
„ Ditto ditto from Rajender Mohun Dutt for Constructing Aqueduct in Wellesley Street and Bow Bazar,..	750 0 0	
„ Ditto ditto Interest Account with Treasury,	811 10 9	17,347 11 6
Total Company's Rupees,..		4,48,000 8 0

RECEIPTS FOR 1853.

To Balance, on the 31st December, 1852,	75,102 8 6
Receipts for the Month of Jan. 1853,	25,378 4 3
Ditto ditto ditto eleven months to 31st December,	3,47,519 11 3
	4,48,000 8 0
Total Company's Rupees,..	4,48,000 8 0

No. 1.*Fund for the 12 Months ending 31st December, 1853.**Cr.***By Purchase of Government Promissory**

Notes on the 4 per cent. Loan of 1841-42,	RS.	AS.	P.	RS.	AS.	P.
„ Commissioners' Allowances,	12,250	0	0	61,000	0	0
„ Office Establishment,	10,760	2	8			
„ Collection and Assessment,	28,256	10	7			
„ Surveyor's Establishment,	9,746	10	8			
„ Road Making and Repairing,	96,744	10	7			
„ Landing Stone Ballast,	5,015	9	4			
„ Cleansing Streets and Drains,	1,03,142	0	3			
„ Repairing Drains and Bridges, &c.	20,112	7	2			
„ Repair of Public Tanks,	5,631	10	6			
„ Lighting,	16,573	15	3			
„ Watering the Streets,	23,293	0	0			
„ Working the Engine at Chandpal Ghat,	11,554	11	10	3,43,081	8	10

CONTINGENCIES.

„ Office Furniture,	25	8	0			
„ Rent,	3,825	0	0			
„ Printing Charges,	1,007	7	3			
„ Stationery, Account Books, &c.	1,024	11	3			
„ Advertising Charges,	563	12	9			
„ Law Expenses,	6,683	6	0			
„ Extra Writers,	237	4	0			
„ Punkah Pullers,	319	6	6			
„ Batta for Exchange of Piece into Rupees, &c.	92	15	3			
„ Auditing the Accounts for 1852,	400	0	0			
„ Sundry Petty Charges,	287	4	0			
				14,466	11	0
				4,18,548	3	10
„ Balance in the Bank of Bengal on the 31st December, 1853, .....	..			29,452	4	2
Total Company's Rupees, ..	..			4,48,000	8	0

*E. E.**J. L. HARRIS,
Accountant.**Calcutta, 1st January, 1854.***DISBURSEMENTS.**

Disbursements for January, 1853,	RS.	AS.	P.	
Ditto for Eleven Months to 31st Dec.	22,263	9	5	
Balance in the Bank of Bengal on the 31st December, 1853,	3,96,234	10	5	
	29,452	4	2	
Total Company's Rupees, ..	..			4,48,000 8 0

January, 1853.

20

RECEIPTS.

DISBURSEMENTS.

'o Amount received by Bills in the month of January, 1853,.....Rs. 24,208 14 0	By Commissioners' allowance,.....Rs. 1,250 0 0
,, Ditto ditto by Bills of the Carriage Tax,.....18 0 0	" Office Establishment, 893 0 0
	" Collection and Assessment,..... 2,955 7 11
	" Surveyor's Establishment, 821 0 0
	" Road making and repairing, 3,362 13 10
" Ditto ditto Police Fines,.....	" Expenses of cleansing Streets and Drains,..... 8,772 15 1
" Ditto ditto summonses' fees,.....	" Expenses of Lighting, 1,365 1 9
" Ditto ditto Steam Engine,.....	" Ditto of Watering the Streets, 1,338 13 10
" Ditto ditto Nimtollah Ghaut,.....	" Ditto of Working the Engine at Chandpal Ghaut,..... 161 4 6
" Ditto ditto Refunded by Messrs. Grant and Remfrey,	" Repairing Drains and Bridges, 843 0 6
" Ditto ditto from Contingent Receipts,.....	" Law Expenses,..... 500 0 0
	————— 1,151 6 3
Total Company's Rupees,.... 25,378 4 3	————— 22,263 9 5
	Total Company's Rupees,.... 22,263 9 5
	E. E. JOHN L. HARRIS, Accountant.

No. 2.

*Statement shewing the amount of cost of the ESTABLISHMENT of
the Road and Cleansing Departments for the year 1853.*

ROAD DEPARTMENT.

Divisional Establishment,.....	5,346	5	5
Ditto Extra ditto,	2,190	10	11
Charge for Roller-Bullocks supplied by			
Contractors,.....	2,298	12	10

CLEANSING DEPARTMENT.

Divisional Establishment,	45,875	7	3
Ditto Extra ditto,	3,064	13	9
Charge for Cart-Bullocks supplied by Contractors,	11,223	13	3
Northern and Southern Gowkhanas Establishment,	31,911	5	2
Cleansing Establishment for removing night soil in the River,	696	0	0
	—————		
Total Company's Rupees,	1,02,607	4	7

(Signed) J. Rowe,
Surveyor.

No. 3.

*Annual Statement shewing the number of Roads repaired from
1st January, to 31st December, 1853.*

NEW LAYERS.

STONE AND SHINGLE ROADS.

January, 1853.

Mullik's Ghat.

March.

Koolootola Street.

May.

Chowringhee Road.

June.

Manik Bosc's Ghat,
Meerbhur Ghat,
Colvin's Ghat,
Police Ghat.

August.

Wellesley Place,
Dhurrumtola Street.

November.

Loudon Street.

December.

Sudder Street,
Park Street.

NEW LAYERS. KHOA ROADS.

January, 1853.

Hareepara Lane,
Nyogee Pookur E. Lane,
Goa Bagan Street,
Elliott's Road.

February, 1853.

Taltola Bazar Street,
Northern Circular Road,
Babooram Ghose's Lane,
Lalaostagur's Lane,
Shikdar Bagan Street.

March, 1853.

Southern Circular Road,
Durzeepara Street.

April, 1853.

Muddun Dutt's Lane,
Southern Circular Road.

May, 1853.

Northern Circular Road.

June, 1853.

Kascenath Mundul's Lane,
Northern Circular Road,
Hogulkeoria Gullee.

August, 1853.

Dhurrumtola Street,
Northern Circular Road,
Durponarayun Takoor Street.

September, 1853.

Bularam Dey's Street,
Manicktola Street,
Bag Bazar Street,
Southern Circular Road,
Taltola Lane,
Molvee Imdad Allec's Lane,
Moonshee Alcemolla's Lane,
Komeden Bagan Lane.

November, 1853.

Brindabun Busack's Street,
Musjedbaree Street,
Durponarayun Takoor's Street,
Nowabdee Oostagur's Lane,
Minzapore Street,
Medical College Street,
Hazeclol Mohamed Lane.

December, 1853.

Kasce Mitter's Ghat Street,
Wellesley Street.

PARTIAL REPAIRS.

*STONE AND SHINGLE
ROADS.

January, 1853.

Radha Bazar Street,
Chitpore Road,
Khengraputtee Street,
Amratola Street,
Old China Bazar Street,
Jackson's Ghat Street,
Portuguese Church Street,
Armenian Street,
Bonfield's Lane,
Roop Chand Roy's Street,
Durmahatta Street,
Koila Ghat Street,
Koolootola Street,
Ruttoo Surkar's Lane,
Bankshall Street,
College Street.

February, 1853.

Rutton Surkar's Garden Street,
Chitpore Road,
China Bazar Street,
Old China Bazar Street,
Koolootola Street,
Strand Road,
Koila Ghat Street.

February, 1853.

Ruttoo Surkar's Lane,
Wellesley Place,

Mangoe Lane,
Lal Bazar Road,
Old Post Office Street,
Old Court House Street.
Tank Square,
Buhoo Bazar Road,
Cossitulla Road.

March, 1853.

Rutton Surkar's Garden Street
Anundaram Doss Street,
Chitpore Road,
Durmahatta Street,
Koila Ghat Street,
Radha Bazar Street,
Buhoo Bazar Street,
Jackson's Ghat Street,
Doomtola Street,
Hastings' Street,
Church Lane,
Cossitula Street,
Old Court House Street,
Government Place.

April, 1853.

Chitpore Road,
Anundaram Doss Street,
Muchooa Bazar Street,
College Street,
Old China Bazar Road,
Old Court House Corner Lane,
Bankshall Street,
Koolootola Street,
Tara Chand Dutt's Street,
Moorgechatta Street,
Clive Street,
Swallow Lane,
Doomtola Street,
Buhoo Bazar Road,
Tank Square,
Government Place,
Waterloo Street.

May, 1853.

Chitpore Road,
Durmahatta Street,

College Street,
 Monohur Doss Street,
 Old Court House Street,
 Lyon's Range,
 Koolootola Street,
 Clive Street,
 New China Bazar Street,
 Cross Street,
 Armenian Street,
 Strand Road,
 Bankshall Street.
 Dhurumtola Street,
 Government Place,
 Mission Row,
 Wellesley Place,
 Lal Bazar Road.

June, 1853.

Durmahatta Street,
 Koolootola Street,
 Manook's Lane,
 Amratola Street,
 Jackson's Ghat Street,
 Strand Road,
 Chitpore Road,
 Moorgeehatta Street,
 Koila Ghat Street,
 Old Court House Corner Lane,
 Rada Bazar Street,
 Doontola Street,
 Parsee Church Street,
 Mission Row,
 Mangoe Lane,
 Dhurumtola Road,
 Buhoo Bazar Road,
 Tank Square,
 Larkin's Lane,
 Hastings' Street.

July, 1853.

Durmahatta Street,
 Banstola Street,
 Muchooa Bazar Road,
 Chitpore Road,
 Parsee Church Lane,
 Bonfield's Lane,

Moorgeehatta Street,
 Rammohum Ghose's Lane,
 Chunam Gullee,
 Swallow Lane,
 Puggeaputtee Street,
 Jackson's Ghat Street,
 Armenian Street,
 Clive Street,
 Strand Road,
 China Bazar Lane,
 Church Lane,
 Tank Square,
 Lal Bazar Road,
 Old Court House Street,
 Imambang Lane,
 Esplanade Row, East,
 Government Place, E and W.
 Buhoo Bazar Road,
 Police Ghat.

August, 1853.

Chitpore Road,
 Nimitula Ghat Street,
 Durmahatta Street,
 Jackson's Ghat Street,
 China Bazar Lane,
 Pollock Street,
 Manook's Lane,
 Parsee Church Lane,
 Anundaram Doss Street,
 Moorgeehatta Street,
 Swallow Lane,
 Khengraputtee Street,
 Old China Bazar Street,
 Amratola Street,
 Cotton Street,
 Strand Road,
 Durmahatta Street,
 Doontola Street,
 Portuguese Church Lane,
 Sukeas' Lane,
 Ruttoo Surkar's Garden Street,
 Old Court House Street,
 Clive Street,
 Rampersaud Saha's Lane.

August, 1853.

Amratola Street,
Roop Chand Roy's Street,
New China Bazar Street,
Radha Bazar Street,
Old Court House Corner,
Koolootola Street,
Ruttoo Surkar's Lane,
Buhoo Bazar Road,
College Street,
Bytakhana Road,
Mangoe Lane,
Waterloo Street.

September, 1853.

Cotton Street,
Ilamaum Gulee,
Lyon's Range,
Anundaram Doss' Street,
Banstola Street,
Strand Road,
China Bazar Street,
Moorgeehatta Street,
Durmahata Street,
Pollock Street,
Doomtola Street,
Clive Street,
Jackson's Ghat Street,
Amratola Street,
Kumul Nyankaber,
Cross Street,
Meerbuhur Ghat,
Chitpore Road,
Buhoo Bazar Street,
Rammohun Ghose's Lane,
Bhowanee Churn Dutt's Lane,
Bytakhana Road,
College Street,
Koolootola Street,
Cossitola Street,
Dhurrumtula Road,
Chowringhee Road, North,
Strand Road,
Waterloo Street,
Government Place, East,
Koila Ghat Street,

Larkin's Lane,
Middleton Street.

October, 1853.

Chitpore Road,
Durmahatta Street,
Sukeas' Lane,
Old Court House Street,
Hanspookur Lane,
Meerbuhur Ghat,
Kumul Nyankaber,
Lucas's Lane,
Banstola Lane,
Clive Street,
Strand Road,
Armenian Street,
Moorgeehatta Street,
Buhoo Bazar Road,
Koolootola Street,
Ruttoo Surkar's Lane,
Bhowanee Churn Dutt's Street,
Chowringhee Road,
Tank Square, East,
Waterloo Street,
Government Place, North,
Hastings' Street,
Lal Bazar Road,
Theatre Road,
Little Russel Street,
Harington Street.

November, 1853.

Cross Street,
Roop Chand Roy's Street,
Clive Row,
Fairlie Place,
Rutton Surkar's Garden Street,
Old China Bazar Street,
Koolootola Street,
College Street,
Chitpore Road,
Buhoo Bazar Street,
Bhowanee Churn Dutt's Street,
Cossitola Street,
Hastings' Street,
Burtola Street.

December, 1853.

Cross Street,
Cotton Street,
Moorgeehatta Street,
Old China Bazar Street,
Lyon's Range,
Strand Road,
Koolootola Street,
Buhoo Bazar Street,
Chitpore Road.

**PARTIAL REPAIRS.
KHOA ROADS.**

February, 1853.

Sukeas' Street,
Amherst Street,
Wellington Street,
College Street,
Chowringhee Road.

March, 1853.

Sukeas' Street,
Amherst Street,
Mirzapore Street,
College Street,
Neemoo Khansama's Lane,
Champatola Lane,
Hida Ram Banoorjya's Lane.

April, 1853.

Gungadhur Baboo's Lane,
Mirzapore Street,
Neemoo Khansama's Lane,
College Street,
Hamaum Gullee,
College Square.

May, 1853.

Bachoo Chatoorjya's Street,
Sunkur Ghose's Lane,
Rughoonath Chatoorjya's
Street,
Mirzapore Street,
Medical College, E. side,
College Street,
Puttooa Tola Lane,

Government Place,
Jan Bazar, 4th Lane,
Free School Street,
Theatre Road,
Mott's Lane,
Wellesley Street.

June, 1853.

Sobha Bazar Street,
Hautkhola Street,
Sectaram Ghose's Street,
Champatola, 2nd Lane,
Carey's Church Lane,
Old Bytukhana Bazar Road,
Anthony Bagan Lane,
College Square, East side,
Ruttun Mistree's Lane,
Mohamed's Crescent Lane,
College Street,
Champatola, 1st Lane,
Hida Ram Banoorjya's Lane,
Fancy Lane,
South Colinga Street,
Jan Bazar, 4th Lane,
Lower Circular Road,
Short's Bazar Street,
Joratulao Street,
Free School Street,
Chowringhee Road,
Sudder Street,
Mott's Lane,
Colinga, 1st Lane,
Colinga Bazar Street.

July, 1853.

Maniktola Street,
Brindabun Bysack's Lane,
Guranhatta Street,
Raja Gooroo Das's Street,
Doorga Churn Mitter's Street,
Nyan Chund Dutt's Street,
Neclmoney Mitter's Street,
Hathee Bagan,
Bula Ram Ghose's Street,
Hurchunder Mullick's Lane,
Hautkhola Street,

Bunmallec Surkar's Street,
 Raja Rajbullub's Street,
 Shampoker Street,
 Ballakhana Street,
 Raja Nuboo Krishun's Street,
 Bag Bazar Street,
 Kasee Ghose's Lane,
 Koomartollee Street,
 Musjed Baree Street,
 Cornwallis Square,
 Cornwallis Street,
 Mooktoram Baboo's Street,
 Sunkur Ghose's Lane,
 Muchooa Bazar Road,
 Sukcas' Street,
 Baranusee Ghose's Street,
 Shibtola Street,
 Puthurea Ghat Street,
 Munohur Dos's Street,
 Old Bytukhana Bazar Road,
 Boodhoo Ostagur's Lane,
 Mirzapore Street,
 Medical College Street,
 Choona Gullee,
 Bancatola Lane,
 Neemoo Khansama's Lane,
 Champatola Lane,
 Imambag Lane,
 Creek Row,
 Wellington Street,
 Free School Street,
 Theatre Road,
 Loudon Street,
 Royd Street,
 Wellesley Street,
 South Colinga Street,
 Kurcem Bukhsh Khansama's
 Lane,
 Jan Bazar, 4th Lane,
 Lindsay Street,
 Goristan Street,
 Elliott's Road,
 Shurcef Duftree's Lane,
 European Asylum Lane,
 Moonshee Deedar Bukhshi's
 Lane,

| Lower Circular Road,
 Joratulao Street,
 Colinga Bazar Street,
 Colinga 1st Lane.

August, 1853.

Bachoo Chatoorjya's Street.
 Raja Gooroodas's Street.
 Mooktoram Baboo's Street,
 Muchooa Bazar Street,
 Cornwallis Street,
 Neelmunce Mitter's Street,
 Seedam Moody's Lane,
 Baranusee Ghose's Street,
 Durponarayun Takoor's Street,
 Puthurea Ghat Street,
 Moorgechata Street,
 Brijonath Dhur's Lane,
 Kalakur Street,
 Juggomohun Mullick's Street,
 Champatola Lane,
 Teretta Bazar Street,
 Roy's Lane,
 Carey's Church Lane,
 Mirzapore Street,
 Holwell's Lane,
 Okil Mistree's Lane,
 Panchoo Khansama's Lane,
 Sutherland's Lane,
 Buhoo Bazar Street,
 Champatola, 2nd Lane,
 Bytukhana Road,
 College Square,
 Ramkanth Mistree's Lane,
 Amherst Street,
 Creek Row,
 Wellington Square, North,
 Shibtola Lane,
 Nulpooker Lane,
 Sooterkin's Lane,
 Dacre's Lane,
 Crooked Lane,
 Khyroo Mehter's Lane,
 Grant's Lane,
 Wellington Street,
 Imambag Lane,

Banstola Lane,
 Baretto's Lane,
 Necbootola Lane,
 Bulloo Bazar Lane,
 Zigzag Lane,
 Weston's Lane,
 Jaun Bazar Street,
 European Asylum Lane,
 Joratalao Street,
 Wellesley Street,
 Jan Bazar, 4th Lane,
 Colinga Bazar Street,
 South Colinga Street,
 Wellesley 1st Lane.

September, 1853.

Sobha Bazar Street,
 Musjeed Baree Street,
 Muthoor Sen's Garden Street,
 Raja Nuboo Krishun's Street,
 Ahecritola Street,
 Beniatola Street,
 Kaleepersad Dutt's Lane,
 Neemoo Ghosyn's Lane,
 Nundoram Sen's Street,
 Bulram Mozoomdar's Street,
 Hurloll Mitter's Street,
 Bummalee Surkar's Street,
 Manick Bosc's Lane,
 Koomartolee Street,
 Cornwallis Street,
 Hoogul Kooria Lane,
 Bheem Ghose's Lane.
 Puthurea Ghat Street,
 Moirahata Street,
 Kalakur Street,
 Kuburdanga Street,
 Narayunpursad Baboo's Lane,
 Sukeas' Lane,
 David Joseph's Lane,
 Choona Gullee,
 Gungadhur Baboo's Lane,
 Old Bytukhanah Bazar Road,
 Champatola Lane,
 Sutherland's Lane,

Puttootola Lane,
 Harkata Lane,
 Blackburn's Lane,
 Punchoo Khansamah's Lane,
 Dhurrantola Lane,
 Tiretta Bazar Street,
 Neemoo Khansamah's Lane,
 College Street,
 Rajmohun Bose's Lane,
 Hurinbaree Lane,
 Sobharam Bysack's Lane,
 Hospital Lane,
 Crooked Lane,
 Rany Moody Gullee,
 Gooriama's Lane,
 Kinderdine's Lane,
 Necbootola Lane,
 St. James' Square,
 Grant's Lane,
 Chowringhee Road,
 Creek Row,
 Sakharectola Lane,
 Wellington Street,
 Wellesley Street,
 Lower Circular Road,
 Joratulao Street,
 Theatre Road,
 Loudon Street,
 Colinga Bazar Street,
 Royd Street,
 Sudder Street,
 Chowringhee Lane.

October, 1853.

Raja Nuboo Krishun's Street,
 Chitpore Road,
 Sobha Bazar Street,
 Nather Bagan Street,
 Santeeram Ghose's Street,
 Sona Ghazee Lane,
 Neemoo Ghosyn's Lane,
 Sukeas' Street,
 Huree Pal's Lane,
 Puthurea Ghat Street,

Juggomohun Mullick's Lane,
 Hanspooker Lane,
 Blackburn's Lane,
 Puttootola Lane,
 College Street,
 Old Bytukhana Bazar Road,
 Tiretta Bazar Street,
 Choona Gallee,
 Tarachund Dutt's 2nd Lane,
 Bytukhana Road,
 Champatola Lane,
 College Square,
 Neemoo Khansamah's Lane,
 Sobharam Bysack's Lane,
 Wellington Square, North,
 Wellington Street,
 Koila Ghat Street,
 Government Place, North,
 Joratulao South Lane,
 Free School Street,
 South Colinga Street,
 Cockburn's Lane,
 Khallasectola Lane,
 Theatre Road.

November, 1853.
 Shibtola Street,
 Puthurea Ghat Street,
 College Street,
 Old Bytukhana Bazar Road,
 Sobharam Bysack's Street,
 Choona Gallee,
 Blaekburn's Lane,
 Wellington Square, West,
 St. James' Street,
 Creek Row,
 Imaumbaree Lane,
 Ramsunker Roy's Lane.

December, 1853.
 Juggumohun Mullick's Lane,
 Kalakur Street,
 Amratola Street,
 Sibtola Street,
 Blackburn's Lane,
 College Street,
 Old Bytukhana Bazar Road,
 Champatola Lane,
 Jan Bazar, 5th Lane.
 (Sd.) J. ROWE, Surveyor.

No. 4.

Annual Abstract shewing the quantity of work done in the Repairs of Roads from 1st January, 1853, to 31st December, 1853.

30

Miles.	Furlongs.	Poles.	Yards.	Miles.	Furlongs.	Poles.	Yards.	Miles.	Furlongs.	Poles.	Yards.
Stone and Shingle Roads, Partial Repairs, 9,77,514 superficial feet, if taken at an average width of 20 feet will be equal to	9	2	2	0							
Khoa Roads, Partial Repairs, 3,83,198 superficial feet, if taken at an average width of 20 feet will be equal to	3	5	1	0				12	7	3	0
Stone and Shingle Roads, New Layers, actual length 14,996 feet of the average width of 34 feet, is equal to	2	6	29	0							
Khoa Roads, New Layers, actual length 61,041 feet of the average width of 20.6 feet is equal to	11	4	19	5				14	3	8	5
Total,..								27	2	11	5
Deduct work done in January 1853, included in last yearly Report,								2	3	26	1
Total,..	24	6	25	4							

(Sd.) J. ROWE,
Surveyor.

No. 5.

ABSTRACT STATEMENT of Works done in the Conservancy Department by the Surveyor's Establishment, during the last year 1853.

Retaining walls of Drains made and repaired,	6,327	11	10		
Arched Bridges, ditto ditto,	1,194	9	3		
Arching over drains ditto ditto,	1,311	10	8		
Covered drains ditto ditto,	456	1	4		
Wooden Bridges ditto ditto,	611	2	8		
Tunnel repairing,	1,009	5	0		
New Tunnels made,	6,053	7	10		
Surface drains, repairing,	447	11	11		
Ditto ditto new,	161	5	5		
Arched Bridges new,	191	11	3		
New Iron Gratings, &c. raising and refixing, Old ditto ditto,	1,370	15	11		
	—————	19,168	13	1	
Tanks' repairing railings, &c.		2,258	5	8	
Gowkhana—Cleaning Tank and constructing aqueduct for conveying water, &c.		1,081	4	0	
Watering—Repairing aqueduct and fixing a pipe to a reservoir,		211	12	6	
Lighting—Fixing lamp-posts and Brackets,		25	13	5	
Improvements, removing steps and breaking Verandahs, walls, &c. for widening different streets and fixing Indi- eating Boards,		525	7	5	
Cleansing—Building shed for Milturs at Golab Ghat, ..		23	2	3	
Road Department—Repairing Strand Bank railings,		55	15	7	
Contingent—Constructing urinal for the Office Establish- ment,		38	6	6	
	—————	Total Co.'s Rs.	23,389	0	5

(Signed) J. ROWE,
Surveyor.

No. 6.

COMPARATIVE STATEMENT showing the Extent and Expenditure of Watering Streets in the Town for the years 1852 and 1853.

	Superficial feet.	Amount.	Rs. As. P.	M ² . of Streets.	Superficial feet.	Amount.	Rs. As. P.
January 1852,	32	37,45,307.6	1087 10 3	January 1853,	31	37,82,787.6	1261 15 2
February 1852,	32	37,45,307.6	1134 8 0	February 1853,	32	37,91,560.6	1300 10 9
March 1852,	32	37,45,307.6	1153 5 7	March 1853,	38	41,66,973.6	1522 10 1
April 1852,	30	33,38,297.6	1104 6 1	April 1853,	38	41,66,973.6	1565 2 0
May 1852,	33	37,91,787.6	1257 6 3	May 1853,	38	41,66,973.6	1510 9 4
June 1852,	33	37,91,787.6	312 11 4	June 1853,	38	41,66,973.6	923 4 1
November 1852,	30	37,36,307.6	586 13 11	October 1853,	32	36,02,309.6	345 1 10
December 1852,	31	37,82,787.6	1259 12 7	November, 1853,	35	48,15,494.6	1287 9 9
				December 1853,	35	48,15,494.6	1331 9 0
Total,	2,96,76,890	7896 10 0		Total,	3,74,75,540.6		11,048 8 0
				(Sd.) J. ROWE, Surveyor.			

SOME INSTANCES
OF THE
ADMINISTRATION OF JUSTICE
IN
SOUTHERN INDIA.

MADRAS:

ORIENTAL PRESS—S. BOWB, PRINTER.

1853.

TO THE READER.

1.—In the Year 1852, a case of some interest and importance was tried at the Session Court of Rajahmundry. Mr. J. B. Norton was Counsel for the Prosecution and Mr. E. Salmon for the Defence. The trial commenced on 21st July 1852. It was commented on, and the event of it foretold in the Public Newspapers.

2.—Mr. J. B. Norton left Rajahmundry when the Case for the Prosecution closed i. e. on the 11th of August 1852. Thirty-nine witnesses were produced for the Prosecution and the Court examined 16 more, total 55—and on the 1st of November 1852 the Sentence was finally promulgated. In it I as Judge found the Case for the Prosecution to be false. Late in December 1852, Mr. J. B. Norton wrote, and early in 1853 published his Book denouncing all the Judges of Madras as incompetent. His book has been widely read and believing that the public would be better able to judge of the competency of the Judges if the whole of the Decrees and Sentences which could only be given partially by Mr. J. B. Norton were put before them, I have obtained the permission of authority to print and distribute the following cases which concern me.

1.—The Sentence in Atchia's case alluded to in p. 54-56 of Mr. J. B. Norton's Book and omitted from want of space.

2.—The £5,000 Fine Case alluded to p. 10-11 of Mr. J. B. Norton's Book. This was decided originally by a Decree (omitted) dated 31st March 1842 in favor of Plaintiff. Defendant appealed and the Suit was remanded for Review of Judgment by Proceedings Sudr Udalut, dated 31st March

1845 (omitted). It was again tried by me and decided on the 19th July 1847 by the Decree at page 1 to page 16. Plaintiff appealed and the Court of Sudr Udalut in a Decree dated 17th November 1851, vide page 17 to page 29 reversing my Decree. Defendant applied for Review of Judgment by a Petition dated 5th April 1852 at page 30 to page 45 which the Court of Sudr Udalut Ordered by Proceedings dated 30th April 1852 at page 46. At this stage of the case Mr. J. B. Norton's Book was published, but these particulars were omitted from want of memory, or of space possibly. Finally the Court of Sudr Udalut confirmed their first Decree by a 2d dated 14th April 1853, vide page 47 to page 50.

3.—The Proceedings of this Court dated 26th May 1852, about the Guardianship of the younger Children of the late Zemindar of Pittapoor alluded to in pages 75 and 76 of Mr. J. B. Norton's Book.

RAJAHMUNDY, }
September 28th 1853 } T. A. ANSTRUTHER.

RAJAHMUNDRY CIVIL COURT.

ORIGINAL SUIT REVIEW, No. 349 OF 1845, CIVIL COURT'S FILE.

Plaintiff.

GODAY VENCATA JUGGAROW, *versus*

{ 1 SREE RAJAH VUTCHAVOY SOOREA NARAIN
JAGAPATYRAUZE.
2 Do. TIMMA JAGAPATYRAUZE.

Defendants.

L. S.

1. This Suit is brought by Goday Vencata Juggarow against Vutchavoy Soorea Narain Jagapatyrauze and his brother Timma Jagapatyrauze for 55,270 Rs.

2. The Plaintiff's family has long had dealings with and power over Defendant's family. It appears from the Printed List of the Decrees of the Court of Sudr Udalut No. 5 of 1824, that Rajah Jagapatyrauze Zemindar of Peddapoore died in 1804, whereon Vutchavoy Jagganaudharauze (father of Defendant's) took possession of the estate, but was ousted by Lutchmeenursiah the 1st of 3 widows of the late Zemindar, who was declared by the Zillah Court and by the Provincial Court, to be legally entitled as a widow to succeed her husband. She died in 1814; and Vutchavoy Jagganaudharauze (father of Defendant's) again got possession, but was again ousted by Boochee Seetia the 2nd widow who in a pauper Suit established her right—this pauper Suit was finally filed on 24th May 1817, and it may safely be asserted that her intention to sue must have been known long before her application to sue as pauper was presented, and that that was presented very long before, (the preliminary enquiries as to poverty and competency of security having been gone thro') the Suit was filed. Certainly the Suit was *brought* before December 1816. On 30th December 1816, Plaintiff's uncle lent to Vutchavoy Jagganaudharauze some money and received from

" it. Defendants never satisfied Plaintiff—the Vakeels and Managers used to receive blank papers signed by Chena Bungariah which " they may have fraudulently turned into bonds" (it is a notorious custom Vide Appeal Suit Suder Udalut No. 16 of 1812) " noticing " the unusual facts that the negotiation of so large a loan was done " by message between parties who never had any dealings before, " without the lodging of any Title Deeds and the whole estate being " mortgaged while 2 Mootahs were already said to be mortgaged in " an equally false bond held by Plaintiff's father and that Plaintiff " should lend so much money while the debtor had left the previous " loan of Plaintiff's father unpaid."

11. The reply states that Plaintiff sent the 50,800 Rs. of which 10,000 Rupees was in Government paper *by some of his own people* that as Chena Bungariah agreed to satisfy Plaintiff's father in the matter of the 40,000 Rupees sued on in No. 29 of 1838 Plaintiff lent her this sum, that the managers were made answerable as Chena Bungariah had no issue nor heirs apparent—that Chena Bungariah was not in the habit of giving blank papers signed.

12. The rejoinder asserts that Goday Soorea Narain Row was *security* only to the extent of 10,000 Rupees for which he pledged paper which Chena Bungariah redeemed with her own money.

13. Plaintiff filed the Bond which was on plain paper.

14. Plaintiff brought 19 Witnesses and the Court examined 9 more—he filed several letters.

15. Defendants brought in all 9 witnesses and the Collector sent several official papers connected with Chena Bungariah and the estate.

16. The late Provincial Court Northern Division tried the Suit and decreed for Plaintiff whereon Defendants appealed to the Court of Sudr Udawlut shewing various strong points of objection to the story of the Plaintiff, on which the Court of Sudr Udawlut referred that Appeal Petition with some Proceedings of their own to the lower Court, again that more complete enquiry should be made.

17. On 1st December 1845 Plaintiff filed extra petition No. 605

of 1845 stating that the 1st Suit No. 29 of 1838 was entirely fictitious and got up by Chena Bungariah herself who wanted to borrow money from Plaintiff's father who was willing to lend but was so wary that he would not lend money upon any Bond however carefully drawn up having experience of the case with which they were denied and set aside, insisting upon a Rauzeenamah first to be filed in a suit, after which he would advance the sum required, but Plaintiff's father knew little or nothing of the Suit, that the Collector being very urgent in demanding revenue, Chena Bungariah asked a loan of 50,000 Rs. which Plaintiff's father lent, 40,000 Rs. of it being in coin and 10,000 Rupees in Government paper, the loan being dated 15th August 1838 the money being sent to Peddapoore on 26th and arriving on 30th August and the payment made into the Collector's Treasury on the 18th and the bond dated 20th September 1838, adding that his own and his father's name were indiscriminately used throughout this suit.

18. On minutely examining the evidence already given and the statements of the extra petition No 605 of 1845 numerous questions arose for answer which has not been satisfactorily afforded, these and their answers can scarcely be abstracted or condensed and for the thorough understanding of this Decree they must be looked through.

19. The Suit No. 29 of 1838 is clear and positive in its statements that 40,000 Rupees had been lent to Vutchavoy Chena Bungariah who signed and sealed and *sent* to Plaintiff's father a Bond for that amount. No answer was given by Chena Bungariah, and on her death her successor 1st Defendant declared the claim to be totally false to which Plaintiff's father answered that the loan to Chena Bungariah was notoriously true. Plaintiff by petition to the Court of Vizagapatam withdrew the Suit saying Defendants had satisfied him. It is to be observed that the borrower is the person in a hurry and when the suit No 29 of 1838 was filed, Chena Bungariah the borrower and Defendant would instantly admit its truth by filing a Rauzeenamah, but Chena Bungariah tho' summoned 4 times made no answer. If she had really and truly the intention to file a Rauzeenamah how is it possible that she should guard against the chance of her own denial of the suit by preparing a Bond. If the suit were really an amicable fiction

solely instituted to be admitted, why should a copy of the Bond, be sent to Plaintiff at Vizagapatam by Paunungipully Ramana in a letter posted Masulipatam 24th August 1838 No 101, Plaintiff admits that Chena Bungariah never had any dealings with Goday Soorea Naraina Row, before this—it is impossible then that she should write an agreement on 5th August 1838 No 97. C. to Goday Soorea Naraina Row saying all my *former* and future debts I will duly liquidate. If it were true that the 40,000 Rupees Suit was fictitious, how could Plaintiff's father prosecute it after Chena Bungariah died? If the Suit had been brought in fact by Chena Bungariah *she* and not Plaintiff's father should pay the institution fees but from Paunungipully Ramana's letter from Masulipatam to Plaintiff's father posted on 31st August 1838, it is clear that Paunungipully Ramana Chena Bungariah's Manager paid those fees out of Chena Bungariah's money and then sends Plaintiff's father an account of the payments and asks him to repay the amount to the Cousin of the Writer Paunungipully Vencana, Paunungipully Ramana declared he did take 1700 Rupees from Chena Bungariah for the purpose of paying the fees, and after deducting all payments made and the amount of his own expenses he repaid the balance to his Mistress Chena Bungaria. But if this had been the case when Plaintiff's father withdrew the case falsely saying Defendants had satisfied him, he ought not to have recovered $\frac{1}{4}$ of the fees which he did do, his Pleader made application for the refund which the Court (late Northern Provincial Court) ordered, and the Pleader sent the money and obtained Plaintiff's father's receipt which he has produced. To escape from the mess which these complicated lies have brought him into Plaintiff declares that neither his father nor Chena Bungariah paid the fees but that the Pleader himself advanced the money (Chena Bungariah paying the $\frac{1}{4}$ only and the Pleader advancing the 3 quarters) this is denied by the Pleader and to overthrow him letters are desperately forged and joined by a thread to the real letters which passed at the time, the enclosure being marked private and declaring that the Pleader really did advance the $\frac{1}{4}$ fees which were to be recovered on the Rauzeenamah being filed but that for form's sake both he and his client wrote as if Plaintiff's father had advanced and recovered and acknowledged by written receipt the repayment of the $\frac{1}{4}$ fees all of which was fictitious. If Chena Bungariah advanced the fees as at one time argued after it had been avowed that she insti-

tuted the suit against herself in No. 29 of 1838 Paunungipully Ramana would never have written that he had paid the requisite fees and begging Plaintiff to repay them according to the statement sent, to his kinsman Paunungipully Vencanah, still less if the Pleader advanced the fees would Paunungipully Ramanah write the details to Plaintiff. When the agent of Plaintiff was well able to advance the fees for the suit it is contrary to reason to expect the Vakeel Vunkamandy Rau-jagopalia would uselessly advance his own money, lose interest thereon and incur risk of dismissal while Paunungipully Ramana had actually brought the money from Peddapoore for the purpose of such advance. Had he done so and written letters with his own hand and seal recording that he had done so he would not dare now to deny it. If the Suit were really fictitious as lastly stated the idea of preparing a Bond could not by any possibility exist. Chena Bungariah knew that Bonds are to be filed in proof of claims *denied* when lists of witnesses are given for the same purpose, but as she made the Suit against herself and had the sole view of filing an admission it was impossible that she could entertain the idea of the necessity of a Bond being prepared or that she could prepare one. One was prepared however and Plaintiff sued on it. The impossibility of a Bond existing if the Suit were made by consent of Chena Bungariah and of Chena Bungariah's alluding in her agreement above quoted to former debts which as Plaintiff admits—did not exist from a strong presumptive proof that they (the Bond and Agreement) were forged for the purpose of being brought up in evidence against Chena Bungariah on her denying the claim.

20. It is stated on Plaintiff's side that he at Chena Bungariah's urgent request lent her 40,000 Rupees in coin and 10,000 Rupees in Government paper taking a Bond for 50,800 Rupees (the odd 800 being bonus) the loan dating from 15th August 1838 and the Bond being dated 20th September 1838. The money was carried it is stated in evidence by men sent by Chena Bungariah from Peddapoore for the purpose contrary to Plaintiff's statement in the reply most urgent speed being required as the Collector was about to sell the estate. The money borrowed bore Interest at 12 per cent, and it is natural to expect that the borrower would pay it to the Collector without delay seeing that double Interest was going on, 12 per cent, to the

Collector, 12 per cent. to the Creditor besides the expenses of attachment. The money arrived on the 30th August but was not paid till the 16th September, the keeping of the money being utterly useless in every way and the cause of pure and easily avoidable loss of 358 Rupees, thus 12 per cent. on 50,800 Rupees is per day Rs. 18-12-0 the Interest at 5 per cent. on Government Bond for 10,000 Rupees (which if Chena Bungariah paid the lender 12 per cent., should be drawn by her and not by him) is per day Rs. 1-8-0 and the cost of the Attachment assumed at 100]Rupees a month is Rs. 3-5-4 per day in all Rs. 23-9-0 per day or for 16 days 358 Rupees. It is impossible to account for this. The Manager Paunungipully Ramana accounts for it by his own absence at Masulipatam on the matter of the suit which Chena Bungariah sent him to file against herself, but this is contradicted by himself on oath for he says his own cousin Paunungipully Vencana and Chena Bungariah's brother and Moonagala Vencanah were Managers and who ever was present conducted matters so that his presence was not necessary for this payment to be made. In fact his name does not appear in connection with the payment, but that of Aukella Ammana who accompanied the money being named in Chena Bungariah's Uzee of 15th September 1838, who is also the person who redeemed the 10,000 Rupees Government Bond as proved by the Collector's Order dated 26th September 1838. The 50,000 Rupees sent to the Collector consisted of 38,500 Rupees in coin, 1500 in 2 Bills and 10,000 Rupees in paper, to be redeemed by coin, and the explanation of the conversion of the money viz. the 1500 Rs. into paper is as unsatisfactory as it can be. Paunungipully Ramana says the 40,000 Rupees was not sent in coin at first with him but that he alone went to negotiate and being asked to cash 2 Bills for 1000 and 500 Rs. returned from Cocanada to Peddapoor where he wrote an Irsalnama or remittance list as if to accompany 38,500 Rs. in coin and 1500 Rupees in Bills, and then taking the 40,000 Rs. in coin with no Bills, he on his second visit that day to Cocanada paid away 1500 Rs. according to the promise he had made in the morning and thereby got that amount in Bills, and made the remittance and the list correspond, all this is to the last degree improbable if not physically impossible.

21. If Plaintiff were so cautious as to decline to lend money on

any Bond or without a Rauzeenamah first filed, it is contrary to reason that he should lend the money after all without any Rauzeenamah or Bond or voucher at all! And even when he did get a Bond after 5 weeks that that Bond should be on plain paper. It is equally contrary to reason that when the parties had agreed to file a Suit—and Rauzeenamah as the only way of effecting a loan, a Suit should have been filed *after* the money was lent and a Bond had been agreed on—the sole necessity for the Suit having in fact been superseded, the cost of the Suit being for stamp Rs. 750, fees Rs. 780 total 1,530 Rupees this useless loss of Rs. 1,530 added to the double Interest &c. raises the loss uselessly incurred to 1898 Rupees which no one would submit to.

22. The letter of Plaintiff's father to the Collector dated 26th August 1838, states that Chena Bungariah had prevailed on him to become security for her to the extent of 10,000 Rs. for which he forwarded a Government Promissory Note—it is admitted by Plaintiff that Chena Bungariah meant at the time to redeem that Paper with money of the Revenue Collections of the next month, October and that after sometime finding she could not raise the money she asked a fresh loan of 10,000 Rs. to redeem that Company's paper which accordingly Plaintiff's father lent her. But if this be true it is impossible that Plaintiff's father in his letter to the Collector of 26th August 1838 *could* mean to redeem the paper with his own money as Plaintiff has argued or that in the Draft of the Bond (Vide 2nd Witness's deposition) prepared by Plaintiff on 15th or 26th August should be entered that 10,000 Rupees as lent when by his own admission he had no idea of the loan till long after that date. The Plaintiff was well able to lend 10,000 Rs. in coin and it is an absurdity and impossibility that Chena Bungariah should take the paper when the coin could have been had for the asking, and when the amount for which the paper was surely bore Interest at 12 per cent. in the Government demand against her Estate—which a loan in coin would have stopped. By Plaintiff's own admission the 10,000 Rs. was advanced in coin only 2 months or so after the 40,000 Rs. was lent—for that time then Plaintiff drew the 5 per cent. Interest which the paper bore 12 per cent. from Chena Bungariah and 12 per cent. from the parties it was really with, Chena Bungariah all this time paying

12 per cent. to the Collector and 12 per cent. to the Plaintiff and losing the 5 per cent. the paper bore.

23. The rate at which the money was said to be carried was more rapid than is to be believed. One set of men are said to have carried it out of Vizagapatam on the evening of the 26th August 1838 and going probably not far that night they went to Pittapoor at 6 P. M. of the 29th upwards of 90 miles with loads. The carrying so very large a sum of money through so long a tract of country the fact of its being coin being ostentatiously proclaimed is not probable altogether—the fact of so large a sum being carried without a guard of Sepoys struck Mr. Hudson one of the few credible of Plaintiff's Witnesses and thro' the really dangerous parts where robbers might waylay the party in the Jungle no fears seem to have been felt, and only after their arrival at Pittapoor close to Peddapoorn was any additional guard asked for, the 19th Witness gave 4 Peons as escort, at the part of the whole road where escort was least needed, the whole journey so far having been performed without any. The object of this seems to have been to secure Witnesses for the future Suit. The haste was also unreasonable because it was followed by 17 days of ruinous idleness, the money being idle, but bearing 24 per cent. Interest besides the cost of management (which it was the object of this loan to stop) and the 5 per cent. of Government Bond Interest. Those who knew the need of haste would not allow the loss of so much time and money, and those who foresaw that such delay might occur would not exact such unusual speed. The speed and the delay are irreconcilable.

24. At one and the same time by Plaintiff's admission he held the Bond for 50,800 Rs. and was also pressing the claim of 40,000 Rs. the Suit on the 40,000 Rupees Bond (since declared fictitious) and the present being actually both pressed forming with Interest a total demand of 98,270 Rs. at the same time and for 3 months and 11 days against Defendants. The complicated falsehood the Plaintiff resorts to, to explain away this is, that he filed the 40,000 Rs. Suit and then to terrify Defendants into admitting the truth of it he filed this 50,800 Rs. Suit intending to withdraw it on their paying him 10,800 Rs. and filing a Rauzeenamah for 40,000 Rs. in the first Suit. There is no proof of this, no counter protective Documents, which,

had this scheme been true, would of course have been executed and it is in direct contradiction to the assertion that the first Suit was in fact got up by Chena Bungariah herself against herself. Supposing a Rauzeenamah to have been filed in the 40,000 Rs. Suit there is no obligation on Plaintiff to withdraw the 55,000 Rs. Suit on receiving 10,800 Rs.—Nothing but the word and honor of Plaintiff. Should the Defendants file Rauzeenamah for 40,000 Rupees and deny the 10,800 Rupees there is nothing to prevent the whole 50,800 Rupees Bond being sued for.

25. As Plaintiff's father in league with Paunungipully Ramana forged letters as if written by Chena Bungariah to Plaintiff's father admitting debts which Plaintiff himself now admits did not exist, but which his father was then falsely suing for, similar letters would exist beyond question alluding to the proposed Rauzeenamah if Chena Bungariah ever really intended to take such a step, or they would doubtless have been forged if Plaintiff's father had *then* had it in contemplation to assert Chena Bungariah wished to file a Rauzeenamah. He did not at that time foresee that he would get into such a scrape, as that his son should openly avow in 1845 what some witnesses had commenced to say in 1841 that the Suit was got up by Chena Bungariah. His original design seems to have been a simple false Suit for a pretended loan of 40,000 Rupees—but having by good management really obtained an application from Chena Bungariah to stand security for her for a time to the extent of 10,000 Rupees—he altered the 40,000 Rupees claim to 50,800 Rupees withdrawing the former as his forgeries of letters in Chena Bungariah's name support the claim for 43,000 Rupees made against her if she denied it, as he *then* knew she would if she ever heard of it the want of forgeries to support the assertion of Plaintiff's father that Chena Bungariah meant to file a Rauzeenamah proves that the idea of the Rauzeenamah is new and has arisen after Chena Bungariah's death. The proof of this forgery is that the letters exist—that they could not possibly be written by Chena Bungariah—that they could easily be forged by plaintiff's friend Paunungipully Ramana who was Chena Bungariah's Manager that they tend to ruin Chena Bungariah and to benefit Plaintiff.

26. The Plaintiff made a faint claim to some money before the Collector Mr. G. A. Smith who almost expressly declared the trans-

action to be false—Plaintiff if he really had had such overwhelming evidence as he has since with ample time hired and taught it is most astonishing that he did not boldly declare the same to Mr. Smith and if every body knew of the real lending of the money at the time, how could Mr. G. A. Smith remain in ignorance of it ! He *could* not publicly question and throw discredit on that which was perfectly notorious.

27. Paunungipully Ramana himself admits that when Summons &c. came from Courts for Chena Bungariah she never received them direct but they were taken to her managers (Paunungipully Ramana and the like) and by them to her. Vuckalunka Dutsanamoorty (related to and a friend of Paunungipully Ramanah) says Paunungipully Ramanah and Nallaparaz Srichuriraz opened all letters sent to Chena Bungariah with such facilities for forging documents and possessed of skill and respectability and the support of Plaintiff as a matter of course these men and others about them would forge any number or amount of letters and Bonds. The Civil Judge himself with ease copied Chena Bungariah's short sign manual—Plaintiff's father and Paunungipully Ramana being firmly leagued together could forge letters in Chena Bungariah's name and send them by post and answers could be prepared and written by Plaintiff's father thro' the post and received by Paunungipully Ramana unknown to Chena Bungariah. Many facts prove this. One letter purports to be from Chena Bungariah to Goday Sooree Narraina Row dated 24th September 1838—wherein she says Paunungipully Ramanah told the Collector Mr. G. A. Smith of Plaintiff's loan of 50,000 Rs. If Paunungipully Ramana really told the Collector of the loan, the Collector would never express so marked an opinion against its being true as he did in the endorsement dated 7th February 1839 in these terms, “ Plaintiff visited the Collector in June 1838 when the transaction *if a bona fide one* must have been under consideration and “ would have asked his opinion before taking in mortgage a portion “ of a Zemindary then attached for arrears due on the whole. The “ Collector's opinion was not however asked” &c. In the Petition to the Board on which that endorsement was written the Plaintiff asserts the Collector knew and admitted the fact of the loan—if so, why did he discredit it so greatly by his endorsement ? And why was Plaintiff quiet ? The Collector's endorsement proves that he then

suspected the transaction of a loan on mortgage of 2 Mootahs to be false tho' then seriously pursued by Plaintiff.

28. In the same Petition dated 6th December 1838 Plaintiff's father says Defendants have admitted the debt and promised to pay it. This must be false because if Defendants admitted the debt before December 1838 how could they deny the 43,000 Rupees Suit which was *then* said by Plaintiff to be true tho' now he admits it to be fictitious. Why did not Plaintiff (when Defendants were named as Chena Bungariah's heirs Defendants in Original Suit No. 29 of 1838) argue that *they had* agreed to pay the debt? The Petition to the Board of Revenue would not be seen by Defendants, therefore Plaintiff hesitated not to state they *had* admitted the debt; in his pleadings in Court which Defendants must see in March and April of 1839 both before and after Defendants denied the claim as wholly false, why did he not assert they had admitted it? On the contrary he declared himself able by evidence and general notoriety to bear down their denial. If they always had the intention to deny how could they ever admit the truth of the debt? One of Defendant's witnesses says he has always heard and believes the Plaintiff's claim is true—now he certainly was not called by Defendants to say *that* but the reverse. Had they not been satisfied that he would support their statements they need not and would not have called him. His subsequent turning to Plaintiff's side shows he must have been tampered with, and that must have been done, by Plaintiff who thereby exposes his conscious weakness. It is proved that Plaintiff has been sending money to some of the witnesses viz. 20th and 21st witnesses Paunungipully Ramana and Vuckalunka Dutsanamoorty and it is also proved that he wrote beforehand to some of the witnesses who attested the Bond to induce them to attest it viz. 10th witness and others.

29. The Plaintiff has endeavoured to get convincing evidence in his favour and solicited a Gentleman of the Civil Service Mr. Dowdeswell to give him a letter to the Collector and to depose in his favour, but that Gentleman said all he knew was from hearsay. The 14th witness Mahomed Ali Saib then District Moonsiff of Peddapoore, and now Moofly of this Court, Mr. Hofland and Mr. Hudson are meant to be witnesses of this kind, but there is nothing conclusive in

the evidence of any one of them. No doubt they heard a rumour and a general talk which it would of course be the Plaintiff's interest to set widely about.

30. Paunungipully Ramana the 20th witness the Manager of Chena Bungariah is a very clever man—he and even the most obtuse man must have seen perfectly clearly that if Chena Bungariah did file a Rauzeenamah for 43,000 Rs. there was nothing to prevent the whole 50,800 Rupees Bond being sued for also, and it is impossible that if the scheme were honest he would not have taken care to have written Agreements to ensure Chena Bungariah from such danger—and if the scheme were honest Plaintiff would have been ready to offer such. The absence of any intent to cheat Chena Bungariah would not save her from having to pay the 50,800 Rupees besides the 43,000 Rupees in case any thing happened to Plaintiff or to his father or to both. If they one or both either died or got into difficulties their creditors would certainly exact the full terms of the 50,800 Rupees Bond altho' the Rauzeenama for 43,000 Rupees should have been filed and the statement of Plaintiff or his father that the 50,800 Rupees Bond comprised the 10,000 Rs. of Government Paper and the 40,000 Rupees sued for in the other Suit and was not independent of the other transactions would not be listened to by the Creditors or Executors for an instant. Should the father and the son even quarrel or pretend to quarrel the son might insist on his own Bond for 50,800 Rs. or with Interest 53,270 independent of the 43,000 Rupees gained by his father. It is impossible that if this scheme had been honest they would not have given and Paunungipully Ramana and others exacted from them ample protective agreements to save Chena Bungariah.

31. It is impossible that a person sincerely desirous of making a bona fide transaction quite safe should studiously omit every unquestionable act any one of which would have secured the object. Stamps were easily procurable, but an application for stamps would have made matters public and safe, therefore none was made. A positive transfer (the method of which is perfectly familiar to Plaintiff) of Government Paper to the extent of 50,000 Rupees or any sum would have been obvious, simple and safe and Chena Bungariah could have publicly on stamped paper given a Bond to repay the value that Government

Paper then bore in the market, but that would have made the matter public therefore it was not done. Accountant General's Bills on the Collector payable to Chena Bungariah and bought by Plaintiff, would have answered but that would have made the matter public. Nothing has been omitted which could make the subject secret at the time yet should be capable of supporting the truth of the transaction in the Suit then being prepared for.

32. The whole case abounds with accumulated proofs of fraud, forgery, perjury and subornation of it, and the skill and boldness with which the evidence has been brought forward shew Plaintiff's father to be a practised hand at false Suits which his wealth and respectability enable him to carry on successfully and shew his opinion of the Courts. To stop and to undo the ruin to the morals and property of the Community which the Plaintiff has effected thro' the Courts it is not enough to pronounce whether a Case is proved true or not, but in very gross cases as this the Court to protect itself from being made a tool any longer must pronounce its opinion of falsehood loudly as well as take care to prevent the like again. It would be excellent justice to award in all cases to the Defendant falsely sued the exact sum—his adversary would have falsely wrung from him by the false Suit, but then the false Suitor to recover the power of making false Suits which so complete a detection would impair would offer any thing to induce the Defendant to come forward to admit the Suit as true further inducing him to consent by representing the chance of an Appeal Decree diminishing or totally annihilating such award if not reversing the Decree the opposite way. To permit the possibility of Defendant's being seduced by Plaintiff to admit the truth of the plaint while such can be guarded against would be to connive at the dreadful abuses the Judicial Institutions of this country are forced by deep villains like Plaintiff unconsciously to commit. To shield Defendants from this seduction, and to force Plaintiff to appeal whereby the injustice if any of this Decree will certainly be redressed, and if no injustice be proved then the unexampled falseness of Plaintiff will be fully exposed—the Court resolve to impose under Section IX Regulation II of 1802 a fine equal in amount to the sum falsely sued for viz. Rupces 55,270, and further to direct that Plaintiff pay all costs of Suit. Under the power vested in District Moonsiffs by Section XXXVII Regulation VI of 1816 and inferentially in Judges under

the general Regulations of awarding out of the fines levied from false Suitors compensation to the parties falsely sued, the Civil Judge will consider,(provided Defendants do not yield to Plaintiff's solicitations and offers and admit as true the Suit they have so boldly denied as false) the expediency of awarding a large portion of the fine to them, but will not now state the amount as that would be a guide to Plaintiff in his offer.

33. The Plaintiff's Pleader in the Northern Provincial Court gained the Suit for his client and the Pleader in this Court has had the very great trouble of maintaining a bad cause which he has done most ably for his client—it is lost in spite of his pleading. The sum of 585 Rupees has been collected by the Judge of Masulipatam to be kept for distribution among the Pleaders having 291 Rs. 5 As. 8 P. still in the first Pleader's hands. Those two sums appear to the Civil Judge proportioned to the work the two Pleaders have had, and this Court's Pleader is directed accordingly to receive 585 Rs. and the other Pleader Rs. 291-5 As.-8 P. and the Defendant's Pleaders will receive in the same proportion. The Plaintiff's Pleader appears to have acted well in refusing to become a party to the new inventions of Plaintiff about the fees in Original Suit No. 29 of 1838.

Given under my hand, &c.,

This 19th July 1847.

(Signed) T. A. ANSTRUTHER,

Civil Judge.

DECREE OF THE COURT OF SUDDER UDALUT.

BEFORE THE CIVIL COURT OF RAJAHMUNDY—ORIGINAL SUIT
No. 349 OF 1845.

COURT OF SUDDER UDALUT—APPEAL SUIT No. 7 of 1848.

Appellant.

GODAY VENCATA JUGGAROW, *versus* { 1st SREE RAJAH VUTCHAVOYA SOOREA NAR-
BAINA JAGAPATYRAUZE, and 2d his Bro-
ther TIMMA JAGAPATYRAUZE.

Vakeel.

T. APPIAH.

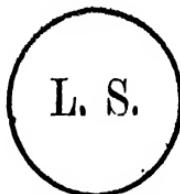
Respondents.

1st Respondent's Vakeel.

T. RAMACHENDRIAH,
Ex parte as regards the 2d Respondent.

(Signed) E. P. THOMPSON,

" T. L. STRANGE.



OPINION OF THE OFFICIATING JUDGE.

1. The Appellant sued for recovery of Rupees 55,270, as principal and interest due on a Bond for Rupees 50,800 executed to him by Vutsavoy Chena Bungariah, deceased, on the 20th September 1838, upon the mortgage of her estate in Peddapoore, the Respondents being proceeded against as her heirs and successors to the said property.

2. The 1st Respondent alone answered denying the claim, and further pleading that neither himself, nor the 2d Respondent could be made personally liable for it.

3. The Civil Judge of Rajahmundry considered the Suit to be a false and fraudulent one and dismissed it, fining the Appellant in a sum equivalent to that sued for, namely Rupees 55,270.

4. The Appellant appeals, and is answered by the 1st Respondent.

5. I feel quite unable to concur in the Judgment arrived at by the Civil Judge, and am of opinion that the Appellant has satisfactorily established his claim.

6. The loan upon which the Bond sued on is founded, is described to have consisted of Rupees 40,000 advanced in cash and bills and Rupees 10,000 in a Government Bond, Rupees 800 being added on as a bonus. It is admitted on both sides that the debtor Chena Bungariah's Zemindary was under pressure of urgent demands by the Collector, who had attached it, and that from this she was relieved at the period mentioned in the Bond, by just such a payment as the sum for which it purports to have been given, namely, by the production to the Collector of cash and bills to the extent of Rupees 40,000, and of a Government Bond for Rupees 10,000. The Appellant states that his father advanced these funds in consideration of the Bond. The 1st Respondent acknowledges that the Government Bond was obtained from the Appellant's father, but asserts that it was redeemed by Chena Bungariah, and maintains that the Rupees 40,000 were made good by Chena Bungariah out of her own resources, and by money borrowed from others than the Appellant's father. The question then has to be solved, by which of the two parties it was that the said assets were supplied.

7. I would first notice the evidence adduced by the Respondent, for if that should fail, ground of presumption is afforded in favor of that offered by the opposite party, the Appellant from whom alone, in such case, the assets in question received by the Collector in behalf of Chena Bungariah, could have come.

8. The suit was first instituted before the late Provincial Court for the Northern Division, who passed a Decree therein in favor of the Appellant. On appeal therefrom to this Court, the case was remanded for further hearing, and was thus brought upon the file of the Civil Court of Rajahmundry. At the first stage of the inquiry which took place in 1841, the Respondent adduced but three witnesses, who were to prove that the reputed debtor, Chena Bungariah was in the habit of signing blank papers, one of which might have been made use of, fraudulently, for the Bond sued on, and that she was not at Peddapoore, where the document was said to have been exe-

cuted, at the date entered therein. No evidence to show that Chena Bungariah herself raised the assets made over to the Collector, without need for borrowing from Appellant's father, was then produced. Such evidence was only brought upon the record at the period of the second enquiry, in 1846; no one it is to be observed, having an honest case to defend could possibly have withheld such material evidence thus long and its eventual production can but be viewed with the greatest suspicion. The said evidence in truth is quite of the character which the circumstances under which it has been brought forward might lead one to anticipate. It seems to me stamped with falsehood.

9. It is asserted under it that, of the sum of Rupees 40,000 made good to the Collector on the occasion in question, Rupees 20,000 was money which Chena Bungariah had had by her and that Rupees 10,000 was raised by her from the Respondent's 2nd Witness and a like sum from his 3rd Witness's brother, in both instances on the pledge of gold mohurs, and that the Rupees 10,000 paid to the Collector, in redemption of the Government Bond to that amount deposited with him on the part of Appellant's father, was obtained on loan from the Respondent's 5th* Witness's father on the pledge of Jewels.

10. The estate of Chena Bungariah was under attachment by the Collector, as before observed. She was incurring charges for this, besides undergoing the discredit of the thing, and was furthermore being taxed with 12 per cent. interest for her outstanding debt to the Government, which had led to the attachment. It is not to be believed that with Rupees 20,000 by her in hard Cash, she would hold this sum dormant and unproductive, and have failed to have paid it over at once to the Collector to redeem herself, so far as this could go, from her debt, and to stave off the attachment.

11. For none of the three alleged loans of Rupees 10,000 each, said to have been raised by Chena Bungariah, was any Bond taken. The circumstance of so material an omission occurring would be remarkable in respect of any such serious transaction, but it becomes altogether incredible that it should have appeared in three such in-

* So numbered as the 2nd series.

stances, and these arising independently of one another and with three unconnected individuals. A further coincidence in marvel is, that the two first loans are said to have been for four months during which the lenders were allowed no interest, each thus forfeiting and for no prospective advantage, the sum of Rupees 400. It is not to be believed that money would be advanced in this way. The mohurs, it is said, were disposed of after the said term of four months had expired, Chena Bungariah having then also demised, the pledge being thus converted into an appropriation. The Jewels, it is deposed, were dealt with in the same way. Admitting that the nature of the transaction with the lenders, with whom the mohurs were deposited, would admit of their thus acting by them, such could not have been permissible as regards such articles as Jewels. Those said to have been pledged exceeded, it is allowed, in value the sum of the loan, and they belonged clearly to the estate of the deceased Chena Bungariah, (subject of course to the debt incurred upon them,) and the Collector, who, after her demise, had taken charge of her property, would not have foregone these Jewels, had they been in existence, or have allowed another, unhindered, to have disposed of them from time to time, as it is alleged was done.

12. In the above evidence, we have an account of four transactions by Chena Bungariah, namely, the production and paying away of her own funds to the extent of Rupees 20,000, and the three loans said to have been contracted by her of Rupees 10,000 each. Chena Bungariah was a person of rank and importance, engaged in weighty concerns, and surrounded by functionaries in her employ. The Respondent has produced six witnesses to the above transactions, but, of them, there is but one who represents himself to have been engaged under Chena Bungariah, namely, the 6th witness, and he an individual on a pay of Rupees 8 a month, and one who by his own account can barely read and write. Had these transactions really occurred, the heir of Chena Bungariah would assuredly have been able to bring forward those about her, whose position would at the least have afforded warrant for believing that they might have been cognizant of them. The witnesses, however, are all of a most questionable stamp, and the lenders, such as one in Chena Bungariah's position could hardly have applied to. These latter seem indeed to be persons who could have made no such loans as have been imputed

to them. The 1st Witness is a man without fixed means of maintenance, and a hanger on at the Offices of the District Moonsiff and Head of Police. Can it be believed that Chena Bungariah would entrust such a person as this with her mohurs and Jewels and send him to negotiate her loans ? and yet, such is the evidence. The 2d witness who is one of the lenders, is a trader in Turmeric, Jaggery and grain but clearly to no considerable extent, as he confesses that he keeps no accounts being an illiterate man. The 3d witness who describes himself to have succeeded to the property of his brother, who was another of the lenders, can give no account of that property, or say in what it consists. The 4th witness is a person unconnected with Chena Bungariah, and yet is said to have been sent by her with the 1st witness to negotiate the three loans. The 5th witness the son of another lender, allows that there has been a Suit against his family which was adjusted by Razzeenamah ; the debt being arranged to be payed off by instalments, and that, because of failure of engagement, two godowns belonging to them were attached and sold. It certainly does not admit of belief, that in a quarter such as this, a loan of Rupees 10,000 could have been so readily raised. Who the 6th witness is has already been stated.

13. I can feel no hesitation in rejecting the above evidence as utterly false and concocted, and it much prejudices the opposition raised to the Appellant's claim that it should have been made, to depend upon such manifestly fabricated testimony as this.

14. The Respondent has thus been unable to shew that the assets made over on account of Chena Bungariah to the Collector were produced independently of the Appellant's father. The question now is, did he advance these assets ?

15. It is in favour of the Appellant's plea that his father is one undoubtedly in a position to have been applied to by Chena Bungariah for assistance in her extremity, and capable of rendering it. It is furthermore against probability that a person occupying such a position would risk his character and credit in the monied circle by fabrication of an entirely unfounded claim.

16. One item of the Appellant's claim, namely the Government Bond for Rupees 10,000, it is admitted was furnished by his father.

It is further allowed that this note was subsequently redeemed. The Respondent has sought to show that this was done by Chena Bungariah, and by means of funds obtained otherwise than from Appellant's father, but herein, his evidence being rejected as above he has failed. The Appellant on the other hand has given most convincing proof that the Bond was redeemed by his father, for the fact is acknowledged to be so by the Collector in his communication to him of the 25th October 1838 (K.) There are also several witnesses to the point whose evidence there appears to me no ground for questioning. To this extent, then, the Appellant has doubtless established his claim against the estate of Chena Bungariah.

17. As regards the loan of Rupees 40,000 in cash and bills, and the subsequent execution of the bond sued on, the evidence adduced by Appellant appears to me also most satisfactory.

18. His 1st witness, his father's Accountant and Cash Keeper, the 3rd his head Shroff, the 25th Mr. Hofland, an opulent merchant, and the 26th the Appellant's father's head Accountant, speak to the delivery at Vizagapatam of Rupees 40,000 and the Government Bond to Chena Bungariah's people, for transmission to her at Peddapoore. Mr. Hofland particularizes that he advanced Rupees 12,000 to make up the above sum.

19. The Appellant's 2nd witness, a Madudgaur under the Sheristadar of the Collector, his 5th a Meccassidar, his 8th an Ameen, his 9th a Meerassidar, his 19th a Zemindar and his 29th Mr. Hudson, then Sudr Ameen of the Zillah Court of Rajahmundry, give evidence to the remittance being seen by them in transit.

20. His 4th witness an Assistant Shroff in his father's employ, deposes to having accompanied the said remittance in behalf of Appellant's father to Peddapoore, and to having seen it made over to Chena Bungariah, and her Bond for the same executed.

21. His 14th witness, the District Moonsiff of Peddapoore deposes to having been applied to by Appellant's father to recommend to him persons for attestation of the Bond to be executed by Chena Bungariah, (Appellant's father not being himself present on the occasion) and to having consequently deputed the 10th to the 13th Witnesses for the purpose. These, who are one of them the Moonsiff's head

Goomasta, two of them Vakeels in his Court and the fourth a Goomasta of his Court declare that they witnessed the said Bond.

22. The 20th Witness Panungipully Ramanah, Chena Bungariah's head Manager, deposes to the whole transaction, and the 21st a servant of Chena Bungariah, to the greater part thereof.

23. It will be observed of these witnesses in great contrast to those brought forward by the Respondent, that they are persons just in position to give the evidence offered by them. The Appellant prominently instances Mr. Hofland, Mr. Hudson, and the District Moonsiff of Peddapoor, as individuals above all suspicion and the fact is doubtless so. It appears to me that better evidence could not have been expected than that adduced, and that nothing has been brought forth to shake it.

24. The evidence offered to the transmission of the value of the Bond appears most natural. No effort is made to establish the fact of its having reached the hands of Chena Bungariah in regard to which the eye of a fabricator of evidence would assuredly have been prominently directed. That circumstance (so far as ocular testimony goes) depends upon but two witnesses. But there is ample evidence just where it might have been expected in the prosecution of such a transaction, and that is as to the despatch and transit of these funds. In the course of this testimony that of two individuals appears, Messrs. Hofland and Hudson, whom it would be impossible to suppose could have been suborned, and their evidence forms a passport to the rest, which is in correspondence therewith and otherwise bearing on its face every mark of truth.

25. The method taken for attestation of the Bond appears also to be quite above suspicion. The Appellant's father, being a resident of a different place, applies to a high Government functionary on the spot to supply him with witnesses, and he, very naturally, deputes respectable Officers of his own Court for the purpose. How difficult to conclude that these were just a band of hired witnesses! The signature of Chena Bungariah to the Bond is furthermore virtually acknowledged, the allegation being that it may have been obtained surreptitiously, a plea improbable in itself and unsupported by evidence.

26. In a transaction, furthermore, of the nature of the present one, an interchange of correspondence was to be looked for ; and such has been filed. Some of the letters purport to have been delivered by hand, and some were despatched by post and these bear the corroboration of the post marks. Oral evidence, to establish the occurrence of such correspondence, was not to be expected, but there is nothing to call in question the genuineness of these letters.

27. I would proceed to notice some of the main objections advanced by the Civil Judge to the case of the Appellant.

28. The Appellant's father had sued Chena Bungariah in Original Suit No. 29 of 1838 on the file of the late Northern Provincial Court for recovery on a Bond for Rupees 40,000, attributed to her—Chena Bungariah demised while this suit was pending. The Appellant afterwards lodged this present suit on a Bond for Rupees 50,800 against the Respondents as her heirs. He subsequently withdrew his first suit, as having been satisfied in the sum thereof. He now represents that the said first suit was an amicable one, got up for the purpose of eliciting a Razeenamah with the view of rendering safe a contemplated loan of Rupees 40,000 and that this Rupees 40,000 forms actually a part of the value of the Bond now sued upon, the parties having had but one transaction not two.

29. The Civil Judge appears from the outset to have had his mind imbued with a belief of the falsity of the Appellant's claim, because of the above dubious and fluctuating proceedings and to have Judged him guilty of having made a double attempt upon the estate of Chena Bungariah by two false demands, one by the first suit on Bond for Rupees 40,000 and the other by the present suit on Bond for Rupees 50,800.

30. It is to be lamented that the Appellant should have resorted to fictitious proceedings in the case of the first suit, but I can by no means see the force of the Civil Judges' conclusions, that herein, in these two instances, a design to prosecute fraudulent claims has been evinced. To me it appears that quite ^{an} opposite opinion may be arrived at out of the Appellant's present position, and that we have evidence therein of his integrity, and not any of falsity on his part. Supposing him as the Civil Judge has thought to

be the case, to have had the hardihood to advance two purely fabricated claims upon the same estate, in such rapid succession, to what can be possibly ascribed his having withdrawn one of them, and then alleged it to have been included in the other ? Why should he have had hardihood to advance such claims and then have shrunk from prosecuting one of them ? Why should his courage or resources have failed him as to proceeding with the 1st of these claims, and yet have abided with him as to going on with the second ? And why embarrass himself with retractions and admission of misstatements in the giving up such first claim, when, he had no respect for truth, he might so easily have adhered to his original representations.

31. The Appellant's own account of the matter is this. He says that the loan contemplated to be made to Chena Bungariah was for the sum of Rupees 40,000, that the idea of having the transaction assured by being embodied in a Razeenamah, and thus made a record of Court, was to guard against the possible resistance of discharge of the debt, on the part of Chena Bungariah's heirs ; that in the meanwhile ere the Suit could be brought to a close, Chena Bungariah's necessities made her require a further accommodation, to the extent of Rupees 10,000 and that the loan should be made to her promptly ; that under these circumstances Rupees 40,000 was advanced to her to be assured under the contemplated Razeenamah, and the additional Rupees 10,000 provided for by a Government Bond to that amount, which the Collector had agreed to receive in deposit, under the promise of its redemption by cash, which redemption Chena Bungariah was to effect ; and that by way of security for the whole debt, the Bond now sued on was taken temporarily, pending the adjustment of the transaction, as above, by entry of the Razeenamah for the loan of Rupees 40,000, and the redemption and return to Appellant's father of the Government Bond for Rupees 10,000. Chena Bungariah's inability to redeem the Government Bond, which Appellant's father had consequently himself to effect, her early death, and the failure of her heirs, the present Respondents, to meet her obligations, it is further explained, led to the institution of the present Suit, and the abandonment of the other, which was in the nature of a fictitious one, and without means existing for prosecuting it. These explanations seem to me most lucid and credible, and in no other way does it appear to me can the occurrence of the first Suit, and its subsequent

abandonment be accounted for. The matter arising out of this first Suit, hence in my opinion, so far from tending to weaken the Appellant's position as to the present Suit, only strengthens it.

32. The Civil Judge has laboured much to show that the first Suit was not instituted amicably, as now represented by the Appellant, but fraudulently. In the facts however adverted to by the Civil Judge in the 19th para of his Decree, that a copy of the Bond the imputed cause of action in the first Suit, was sent to Appellant's father on the part of Chena Bungariah, and that the institution fees were provided out of Chena Bungariah's funds, there is, I think, much to corroborate the Appellant's account of the matter, for herein we see that the Bond to be ostensibly sued on was not in his hands, as it would have been, had he been a real litigant, but in those of the other party, and that she it was, though holding the place of Defendant, who advanced the money for the prosecution of the Suit, which could not have occurred, unless the Suit had been an amicable one and entered upon on her account.

33. The Civil Judge has attempted to trace out what became of the proportion of fees returned on the withdrawal of the Suit, and as to who advanced this proportion. The enquiry appears to me a needless one, for the force of the fact that the real costs of the Suit were in the first instance supplied out of Chena Bungariah's Funds, can never be neutralized by any thing arising out of the matter of these nominal costs, nor, it may be added, by any subsequent transactions which may have occurred, in relation to the real costs. The Appellant states that the Vakeel employed himself advanced the above nominal costs, but this the Vakeel denies, and says that the Appellant advanced them. Considering the interest that the Vakeel had in suppressing anything like irregularity in his Official conduct, I am not prepared to give that credit to his statements which has been accorded to them by the Civil Judge.

34. The Civil Judge observes that according to Appellant's reply, the sum of the loan was sent to Chena Bungariah by Appellant's people, whereas the evidence was that Chena Bungariah's people transported the money. Herein there has been a misconception of the reply, which is only to the effect that some of Appellant's people

were also in company, and such the evidence shows to have been the case.

35. The Civil Judge further speaks of the money having been carried for 90 miles of dangerous country without a guard of sepoys, after which an escort of four persons was obtained. The evidence shows that there was a guard of Peons with the money all along, though certainly no Sepoys.

36. The Civil Judge also lays stress on the Collector's ignorance of the transaction, the estate being under sequestration by him and the Appellant's father having visited him at this period, and argues from this that the transaction could have had no existence. It does not appear to me that any such conclusion should be drawn, for a man is not necessarily bound to make known his concerns to another, and may also choose his own time for doing so, if the communication has really to be made.

37. The Civil Judge, moreover, observes upon the fact, that the Bond sued on is on plain paper, and there is the further circumstance, that the Title Deeds of the estate mortgaged under it were not deposited with the Appellant. These blemishes might have told heavily against the Appellant, had there been other grounds for calling his claim in question, but, as his case stands they admit of satisfactory explanation. The transaction of the loan, it was thought would be speedily in part assured upon the Razzeenamah contemplated, and in rest cleared by the redemption of the Government Bond. The Bond sued on was thus only for temporary security, and the expence of a heavy stamp might thus be well avoided, and as to the Title Deeds of the estate, the parties appear to have been on an amicable footing, and both were persons of consideration, not likely to distrust one another, while the fact pleaded that the management of the estate itself was to devolve upon Appellant's father, under the written agreement C, would show that the fullest security for recovering his money out of the estate was designed to be given to him. There was also the assurance of the contemplated Razzeenamah.

38. I consider the Appellant's claim thus to stand free of exception and to be fully made out.

39. The 1st Respondent, beyond denying the truth of this claim,

contends that he cannot be made responsible for it, as Chena Bungariah's Zemindary came encumbered into his hands, and has since, in 1847, been sold, and has passed out of them, owing to further embarrassments.

40. To this it is to be remarked, that the only question to be considered is, whether the Respondent became possessed of the property in clearance of the liabilities of which the loan sued on was incurred. What may have befallen the property, since it has been in his hands, can in no way affect his prior responsibilities. Such responsibilities I believe to have existed on the part of both the Respondents, as the heirs and successors of Chena Bungariah, and would, therefore, in reversal of the Civil Judge's decision, decree, that they do pay the Appellant the sum sued for, together with further interest and costs.

41. The Civil Judge has heavily fined the Appellant, as guilty of urging a false claim. This sentence must of course now be cancelled, the claim being considered a true one.

42. The Civil Judge has furthermore grievously erred in the standard adopted by him for determining the sum of the fine he was prepared to exact. He has made the amount of the fine to depend upon that of the claim for the prosecution, of which it was adjudged, the one being fixed by him exactly at the sum of, the other, and thereby has quitted his position of administrator of the law, which prescribed other considerations under which the amount of the fine should have been regulated, to take up that of a maker of law, and to propound a new standard for fining of his own.

43. It has also to be deeply regretted that the Civil Judge should have vilified the character of the Appellant and his father, as also that of the late Chena Bungariah's manager Paunungipilly Ramanah, in the manner he has done upon grounds altogether unwarrantable, imputing to them forgery, perjury, and subornation of perjury, without other reason, it may be said, than that of his own suppositions. This was the more reprehensible, as the position of these parties should have served to prevent their being lightly subjected to such imputations, while their circumstances made any such stigma all the more grievously to affect them. I must add that the characters of these individuals, so far as to be judged of by the matter of this Suit,

stand in my mind wholly free of the opprobrium cast upon them by the Civil Judge, and that I view the transactions with the late Chena Bungariah, which form the subject of this Suit, to have been conducted with all fairness and honor, and with every consideration for the party dealt with.

44. I have to point out finally that the decree of the Civil Judge is defective in not commencing with a clear statement of the matter of the demand, and of the opposition raised to it, as also in not containing lists of the witnesses examined, and of the documents filed.

(Signed) T. L. STRANGE, Officiating 3rd Judge.

OPINION OF THE 2d JUDGE.

I entirely concur with the 3d Judge in his view of this case, and in reversing the decision of the Civil Judge, and decreeing to the Appellant the sum sued for and costs.

(Signed) E. P. THOMPSON, 2d Judge.

With reference to the foregoing opinions, the Court of Sudder Udalut resolve to reverse the decree of the Civil Judge of Rajahmundry, and to adjudge that the Respondents do pay all costs.

Given &c., this 17th day of November 1851.

(Signed) G. T. BEAUCHAMP,
Register.

To

THE JUDGES OF THE SUDR UDALUT COURT.

The respectful Petition of STREE RAJAH
VATSAVOY SOOREA NARRAINA JAGAPATY-
RAUZE, Respondent in A. S. No. 7 of 1848,
by his Pleader JAMES OUCHTERLONY, Esq.

SHEWETH,

1. That your Petitioner humbly moves the Court to review its judgment in and admit a rehearing of the above Appeal Suit No.7 of 1848, on the following grounds.

2. First—Because your Petitioner is therein adjudged to pay a sum of meney, for which, supposing it even to rest upon a bona fide transaction, he is not legally answerable.

3. In the 30th and 40th paras of its decree the Court treats of this part of the subject, observing that your Petitioner had contended that he could "not be made responsible for" the debt "as Chena Bungariah's Zemindary came encumbered into his hands and has since in 1847 been sold," and that "the only question was, whether he had become possessed of the property, in clearance of the liabilities of which the loan sued on was incurred." It is then further laid down "that any subsequent fate of the property could not affect prior responsibilities," and such responsibilities the Court considered to attach to your Petitioner (and his brother) as heirs and successors of Chena Bungariah.

4. But your Petitioner respectfully submits that the Court has most imperfectly recited what he *did* contend for; and that he is therefore left to conclude, that his leading objection did not at all engage its consideration. By his extra Petition to the Civil Court of the 27th March 1847 (No. 190) your Petitioner put forward distinctly this plea, inasmuch as he succeeded to the Estate in right of kinsmanship to Chena Bungariah's late *husband*, and that Chena Bungariah as his widow had only a life interest in the property, which

property she could not dispose of, divide, or in any way alienate, he, your Petitioner, was not answerable for any debt that she might have personally incurred. This plea he now begs formally to renew.

5. That your Petitioner inherited the Estate of Peddapoore as the nearest male kinsman of the former Zamindar, he conceives to admit of no dispute. As such he could alone be entitled to it; and such was the plea under which his father, had endeavoured to maintain possession against that former Zamindar's widows, when these were ordered by the Courts to be the first heirs, tho', in the nature of Hindoo Law, such was for a life interest only. The widows then, who generally speaking are enjoined by the same law to use even this life interest *frugally*, could certainly take nothing from the estate *beyond it*; surplus income over rent and charges was all that they could legally enjoy, and it follows as a consequence that any debt personally incurred by them must belong to *themselves* to repay, or to those who, by gaining possession of their personal property after their death, would become answerable to *its extent* for such outstanding obligations.

6. As an exception to such a doctrine as the above, it may perhaps be contended that when a tenant for life receives a loan of money expressly to pay off arrears of rent due upon the estate, a mortgage of this to cover the loan should hold good, and the next heir be bound to take the property, with a responsibility to the extent of the relief that had been thus afforded. But even such an amount of liability as this could never legally or on any general principle of equity be devolved. To entail a new burden upon a property, where a life interest in it, is alone possessed is indeed preposterous. The holder has no title to aught beyond its surplus income, and it is questionable whether he could even entail responsibility for what might be expended upon *improvement*, unless he held some special power for the purpose. While however the life tenant is thus fettered, there exists at the same time a legal means at hand for effecting any beneficial object, whether it be in respect of discharging arrears of rent or improvements to the estate, and this is, to obtain the concurrence and co-operation of the next heir. By this course, security is (and it is the only security that can be) taken against otherwise unrestrainable fraud. For, if able to act of himself, apart from the necessity under any circumstances of shewing that the balance sheet of his tenure of

the property was against him. A life tenant might either waste the property in extravagant living, or lay by from it an illegal fund for any purpose, simply by borrowing money to meet the expenses of the estate, and appropriating to himself all its receipts. On the other hand, the consent and joint engagement of the next heir, would both serve to prevent this, and also ensure a ready means of accomplishing what was really beneficial to the estate, since he would naturally be ready to concur in that of which he was ultimately to reap the benefit himself.

7. But in the ordinary course of operations in this country, there is another mode by which a lender of money for the purposes of an estate, in paying off arrears of kist, may secure himself in the transaction (altho' in law and equity the title gained can scarcely be considered a valid one, where it springs from the act of a life tenant only)—and that is, by engaging in the transaction with the privity of the Collector, and taking a mortgage of the land with his concurrence.

8. Now in the case involved in the A. S. No. 7 of 1848, neither of the above modes of securing the alleged loan to the widow Chena Bungarialah was adopted by the Appellant. There was no participation had, or sought, of your Petitioner, who was the next heir; there was no mention even of the subject of the loan to the Collector; and there was no valid mortgage of the estate to the Appellant. Nothing was done, or has been pretended to have been done, that the law acknowledges as a necessary form to fetter property; and the alleged Bond of Chena Bungarialah can therefore be viewed in no other light than as her personal engagement. As such her *personal estate* would be doubtless answerable for it, but in such case the judgment for any proved claim would be against *that estate*, and the first step to be pursued be, to ascertain the amount of it that had fallen into any representatives' possession.

9. Your Petitioner next moves for a review of the Court's decree, because, as he submits, the judgment proceeds upon legally defective grounds in the following instances:—1st, in that there are errors in statements of fact—2d, in that weight is given to evidence which is legally inadmissible—3d, that material grounds of its decision by the lower Court have been overlooked, without due notice being taken of the reasons assigned by the lower Court—4th, that palpable con-

tradictions tending to discredit witnesses and that papers militating against the Plaintiff's case, have been overlooked ; and 5th, generally, that the judgment is not supported by the evidence.

10. These several points will be developed in the remarks which your Petitioner proceeds now to submit to the Court upon the whole case.

11. In this Suit the Respondent alleged certain very large payments by his father Goday Soorea Narraina Row to the late Zemindar Chena Bungariah, being on one occasion of 40,000 Rs. in silver and a Government Promissory Note of 10,000 Rs. and on the other occasion of 10,000 Rs. to redeem the aforesaid Note which was pledged with the Collector as security on behalf of Chena Bungariah. Your Petitioner denied all the advances of money, but admitted the loan for a time of the Government Promissory Note.

12. Nothing is more clear in law, or more consistent with perfect equity, than that a man should bring forward the *best* evidence in his power to prove his case; and that an unexplained failure to do this justly begets suspicion. In ordinary life transactions such as these alleged loans of Narrain Row, admit of a simple proof, so far as regards a payment at a Merchant or Sowear's place of business. The witnesses called, shewed that Narrain Row, kept a large force of Accountants and Shroffs and that his accounts were moreover kept in English. The production of his regular commercial books, shewing entries of the several payments made, the oral evidence of the Accountants who made the entries and of the Shroffs who paid the money, and the acknowledgments by Chena Bungariah's people of the same having been handed over to them, formed therefore the easy, natural, and regular course of proof of the transactions alleged. How then was this exemplified ?

13. Not a book of account was produced, the oral evidence of Accountants and Shroffs was imperfect ; and no acknowledgment of the monies having been paid into the hands of Chena Bungariah's people was filed !

14. The first omission here was, it is contended, more than suspicious. No Merchant, if may be safely asserted, having made a

bona fide payment of money, would fail to support his claim for it by the evidence of *his books*. And in the present case it was, more than in another, essentially necessary ; for the cost payments were of very large amount; 40,000 Rupees and 10,000 Rupees, and, as it is to the last degree unlikely that, in a comparatively small place like Vizagapatam, people would keep even the smaller amount lying closely by them, the production of Narrain Row's books would have formed the strongest support he could give to a genuine case, by shewing that he was really in possession at the moment of the means of making these advances and that he displaced so much from the actual cash balance in his chest in doing it.

15. It may here be remarked that the Court throughout its judgment (paras. 6 and 17) speaks of the advance by Narrain Row of 40,000 Rupees, as being in cash and bills ; and although it may be said that this only adverts to the mode in which the alleged advance was eventually paid into the Collector's Treasury, your Petitioner submits that the wording conveys a different view, and does him the injury of causing to be overlooked the clumsy, and imperfect manner in which the discrepancy between the 40,000 Rupees in *cash* as paid by Narrain Row at Vizagapatam and the 40,000 Rupees as paid by Chena Bungariah in *cash and bills* at Coconada, was explained P. Ramunnah a person who as a voluntary evidence against his late employer, must necessarily have all he says received with great caution—gives an explanation, so little likely of the way in which at the last moment, 1,500 Rupees of specie were exchanged for “ Bills” that the tale obviously required confirmation—and this confirmation was open to the Plaintiff and what it was his duty to have brought forward—Ramunnah gave the name of the man at the Collector's Cutcherry who handed over the Bills to him—but this man was never called.

16. Your Petitioner will now advert to the evidence of the Accountants and Shroffs as to the actual delivery of the money at Vizagapatam.

17. In para 18 of the Court's decree it is observed that the 1st Witness, the Accountant and Cash keeper, the 3d, the head Shroff, the 25th, Mr. Hesland, “an opulent merchant” and the 26th the head

Accountant, speak to the delivery at Vizagapatam of Rupees 40,000 and the Government Bond to Chena Bungariah's people for transmission to her at Peddapoore. With the greatest deference your Petitioner submits that the Witness Hosland said nothing of the kind ; he did not speak to the DELIVERY of the money, but only pretended that he knew of it because he was told by Narrain Row, and that Narrain Row borrowed 12,000 Rupees of him professedly to make up the 40,000 Rupees for Chena Bungariah. Your Petitioner desires to call the particular attention of the Court to the evidence of this Witness, because the Court (para 23) has attached so much value to it as to call it " above all suspicion," and whether mere hearsay or direct evidence to a fact, has allowed it considerable weight in determining its judgment. Mr. Hosland is described by the Court as being " an opulent merchant," which may be the case : his testimony is said to be " above all suspicion," and this your Petitioner craves leave to doubt under the specimen afforded in this case.

18. Any thing more bold than Mr. Hosland's evidence in regard to the 40,000 Rupees payment cannot well be conceived. He first says that in 1838 Narrain Row lent Chena Bungariah 50,000 Rupees, that he borrowed 12,000 of himself, and having made up the 50,000, sent it to C. Bungariah. There he makes a halt, and then, to a *direct leading question*, he gives the usual story of the 40,000 in cash and 10,000 in a Government Promissory Note adding that Narrain Row told that he would receive it back at a future period by sending 10,000 Rupees, and that " two months after" he did send this. Now it may first be remarked that, if the Court ACCEPT all that Mr Hosland states as being indisputably true, and which includes the above assertion that Narrain Row told him, at the time of granting the loan of 50,000 Rupees, that he was to redeem the Government Promissory Note by sending the 10,000 Rupees for it, then it cannot do other than reject, as unequivocally false, the tale of the Appellant (and also of the 20th Witness P. Ramunnah) that the distinct understanding, at the time of the said loan of 50,000 Rupees was, that Chena Bungariah was to redeem the Government Promissory Note out of her own means and yet the Court (para 31) has also received this latter as a " lucid and credible" explanation.

19. Returning to Mr. Hosland's evidence the startling feature in

this is, that while he comes forward to support the payment of 40,000 Rupees by Narrain Row, by the indirect testimony of his having himself advanced 12,000 Rupees to Narrain Row to make up the sum, he a merchant produces no books to support the assertion, nor does he explain by whom or how the payment was made, and what is more material, he a *merchant*, who must be concluded to have regular books of account of his transactions, and who must therefore by a reference to these, have had the opportunity before coming into Court, an opportunity which no merchant in the world would neglect, of fixing the exact date of the loan of 12,000 Rupees actually declares his *entire ignorance* not merely of the *day* but also of the *month* in which the transaction was accomplished ! He only remembers that it was in the year 1838, but he recollects that the 10,000 Rupees was sent to redeem the Government Bond two months later, and he enters into minutiae regarding the transmission of this money, which, looking at his remarkable ignorance in the other matter would be ludicrous if it were not painful. But your Petitioner hopes he has advanced enough to shew that Mr. Hofland's evidence is of consequence only as it exposes the contradictions of the Appellant's case.

20. Your Petitioner will now advert to the evidence of the 1st 3d and 26th witnesses as bearing upon the first advance of 40,000 Rupees. These are all employés of Narrain Row, discharging the functions of Accountants and Shroffs.

21. The 1st witness is the Accountant and Shroff of Narrain Row, he says he paid the money to Chena Bungariah's people—*thinks* it was in August 1838—does not remember the number of cavadies or their contents—then says, the loan was given in August. The 3rd witness, the head Shroff, deposes (on 12th August 1840) that *about 2 years ago* certain people of Chena Bungariah came and received the 40,000 Rupees—he gave the money to them. The 26th witness is the Head Accountant of Narrain Row, he says that *in 1838* Narrain Row lent the 40,000 Rupees in cash to Chena Bungariah—knows it because he saw it sent.

22. Now this is literally all the evidence that bears upon the actual delivery of this very large sum of money. That the parties

would have presented good evidence under other circumstances is not to be disputed, they are the very people to support a bona fide transaction, but how? not by simply swearing to the payment away at some undefined period of 40,000 Rupees in specie, just as if they were the most ordinary matter in the daily routine of their master's commercial life, but by the clear evidence, that *must be* within their reach, of the actual fact, and this would be their *accounts*: or if these were not produced, then by specifying the *exact date* of the transaction, which a natural reference to those accounts *must* have made patent to them. Yet what do we find here, but that, of two of these employés, giving evidence only two years after the pretended transaction and when their master had already been for above a year engaged in litigation about it (indeed taking into account the sham suit in the Bunder Court, it may be said from the very date of the loan), the one only *thinks* it was in a certain month, and the other can only say that it was "*about two years ago*" while the remaining witnesses so little informed that he will not venture to name more than the year of the event. Evidence presenting such an outrageous anomaly as this, can surely never be received as trustworthy or credible.

23. The next good and natural evidence to have been produced was, an acknowledgment of Chena Bungariah's people that the money had been delivered over to them. No acknowledgment was filed, and for the sufficient reason, according to the 1st witness the Accountant and Shroff, that no such document was taken. Now how is such an omission to be accounted for! It cannot be so under the plea that has been urged for the loan of the 50,000 Rupees against a Bond on mere unstamped paper, that such occurred under the confidence resting between Narrain Row and Chena Bungariah; for this was a matter of simple and ordinary precaution between the former and C. Bungariah's people. To them he handed over a large amount of money for Bungariah, at least such is the evidence of his own Accountant, though the Shroff, V. Seerwajee, stated to have been sent with it, deposes that it was put under his charge. There was always a risk of some accident in the road, it was *into the hands* of Chena Buugariah's men that the money was given, and it was transported entirely by them—no man of ordinary prudence therefore would have omitted to take some kind of voucher from them of what

they thus held in possession, and the absence of this is so unaccountable as to cover the whole transaction with suspicion.

24. The question of the delivery of the 40,000 Rupees remains then thus—that the evidence adduced in support of the fact, in place of being, as it *might* and *ought* to have been, the *best*, is to the last degree imperfect, and that although the suit in its respect was instituted but a short time after the alleged transaction, the united testimony of the whole fails to assign any precise date for it.

25. In respect of the alleged later payment of 10,000 Rupees, to redeem the Government Promissory Note, your Petitioner submits that the testimony, is equally or more unsatisfactory, a grave contradiction appearing on the part of those, who, if giving evidence of a real transaction, could not have fallen into error. The 1st, 3d, 15th, 22d, 23d, 24th, 25th, 26th, 27th and 28th witnesses speak to this transaction. These excepting the 26th (the value of whose evidence has been shewn above) are all in the employ of Narrain Row, Mootasuddies, Carpenters, Agents, &c. As with the affairs of the 40,000 Rupees no precise date can be either fixed for the after payment of this 10,000 ; but there is a glaring discrepancy in the attempts to approximate it. The 1st witness the *Accountant*, says the 10,000 Rupees was sent *five or six months* after the first loan, and he repeats this in the course of his examination—the third says, it was *two months* after—the 15th that it was *8 or 10 days* after the 50,000 Rupees had been paid into the Collector's Treasury—22d and 23d *two or three* months after loan of 40,000—25th, *two months* after—26th in October 1838—27th and 28th in Ausveja of Veclumbee. No books are produced or referred to in support of the transactions, and the fact of its having occurred rests upon evidence offering the above palpable contradictions. Nor is this all. C. Bungariah's Shroff Shashia comes to Narrain Row for this money, and it is absolutely handed over to him ; not a man of Narrain Row accompanies him with it, as was pretended to have been done on the former occasion, and yet not the least *receipt or acknowledgment of any kind* taken from this Shroff for the large sum thus placed under his charge (see evidence of 27th and 28th Witnesses.) Is it possible to conceive that any man of business would have been thus reckless of the most ordinary security.

26. But the Court has considered (para 16) these 10,000 Rupees paid, because the Collector, in his letter of the 25th October 1838 to Narrain Row acknowledges such to him. But in a view of this part of the subject, your Petitioner apprehends that the strongest presumption will be found to be afforded of the want of foundation for the Appellant's whole case and of the truth of the account given by your Petitioner, that Narraina Row did no more in the transaction with C. Bungariah than lend the Government Promissory Note for Rupees 10,000 as security to be deposited in the Collector's Treasury and that even this was redeemed by the money of the Zemindar.

27. The Appellant's representation is, that it was on 26th August 1838 (such date, though it ought to have been easily susceptible of, yet not having been in any degree brought to proof) that he delivered to C. Bungariah's people the 40,000 Rupees and the Government Promissory Note, sending his own Shroff V. Surwajee with them to obtain the Plaintiff Bond in return. We learn, by the Collector's letter of the 26th September 1838, that Narraina Row had written him a letter on the above date, transmitting the Government Promissory Note and informing him that having been requested to give security for 10,000 Rupees &c. he had done so by the Bond and that he would pay the sum and receive back the Bond by the end of October following. This letter of the Collector was written after the payment in of the Government Promissory Note by C. Bungariah, and that to which it was a reply must therefore have accompanied the Note. Narrain Row then evidently was *so particular*, that in lending this single Bond to C. Bungariah he deemed it necessary that there should be a direct *communication from him to the Collector* on the subject. For what object was this?

28. By being given over to C. Bungariah for deposit *on her account* with the Collector, the Government Promissory Note was as effectually placed beyond his reach as were the 40,000 Rupees handed over, as he alleges, in specie. If the major part was entrusted to C. Bungariah *in the confidence reposed in her*, the whole must have been the same. If she was to redeem the Bond with the realizations of her estate, the placing it in *his* name with the Collector was worse than useless—it was an impediment—and therefore quite inconsistent with the "confidence" spoken of. What then was the object of the Proceed-

ings ? Your Petitioner submits that this is to be found in but one interpretation viz. that Narrain Row in advancing this Bond for the Circar dues, wished to secure *the Collector's privity* to the transaction, and so gain what is commonly considered the best guarantee for an after recognition of a claim in respect of it. This seems the only reasonable hypothesis, on which to account for his proceedings any other would involve the grievous inconsistency, that at one and the same time he trusted C. Bungariah for 40,000 Rupees and concealed the operation, while he mistrusted her in respect of and published a transaction of 10,000. And the inevitable inference remains that while an admitted bona fide advance was thus carefully secured, all probability of its actual occurrence is removed from another of more serious import, when it is pretended that not a single step of precaution was taken.

29. But in direct evidence to support this view is by no means absent from the record. The chief witness in support of the delivery of the 40,000 Rupees and the 10,000 Government Note to C. Bungariah is Narrain Row's Shroff the 4th witness. This man is examined at great length. To him must of course have been entrusted the letter, for the Collector, if the whole transaction were a true one, but not only does he make no mention of any such letter, but he recites two (obviously meaning the only two) letters entrusted to him by Narrain Row, the one being for *C. Bungariah*, and the other for *Moulvee Saib*, the Moonsiff of Peddapooram! and it will further be found that not one single witness however particular they may be in other matters, makes the slightest allusion to this letter, until one come to the 26th witness who was only examined in 1846, and *subsequent* to the filing of the Collector's letter of the 26th September 1838, when it apparently became necessary to correct the former oversight.

30. In regard to the assumption that the fact of the reply of the Collector of the 25th October to Narrain Row shews that *he* paid the money to redeem the Bond, your petitioner would only submit that both the said letter and the evidence establish that the *cash* was paid in by a servant of *C. Bungariah's*, and that the lapse of days between the dates of Narrain Row's and the Collector's letter shew that there must have been a delay in the matter of the payment which could not have occurred had the funds been sent from Vizagapatam for the one express purpose of redeeming the Bond.

31. The next feature of evidence adduced is to the money (the 40,000) having been seen while in transit. The Court observes (para 19) that this is supported by the evidence of the 2d, 5th, 8th, 9th, 19th and 29th witnesses—the last being Mr. Hudson whose testimony the Court (para 23) views as above all suspicion. But this evidence, of Mr. Hudson, your petitioner prays the Court to dismiss altogether from its consideration, as being legally wholly inadmissible. It is in fact not only vague and indefinite, but it is pure hearsay. One evening in 1837 or 1838, he does not recollect which year!—he was driving to the Beach at Vizagapatam—he saw a line of people attended by peons carrying money out of the town—it was unusual to see money without a guard of Sepoys, so he *sent his horsekeeper* to enquire about it—he the horsekeeper *brought word* that it was money going from Narrain Row to the Zemindar of Peddapoor &c.! Afterwards Mr. Hudson says that he knew it was money, because it appeared to be something heavy packed up in bags and his horsekeeper *told* him it was money. Now Mr. Hudson had first explained that he sent to enquire because it was money that ~~was~~ being carried, and now he only knew it by the result of such enquiry!—then at the sun set and at 100 yards distance he saw the Coolies were carrying something packed in bags (he here hastily corrects himself saying that he does not recollect the mode of packing) though all other witnesses say the bags were stowed away in baskets!—next though he had said the cavadies were coming out of the town, he now declares that he does not know whether the Coolies were going in the direction of Peddapoor or Vizagapatam!—and lastly recollection fails in all other details also, though he can tell of reports of transactions, that were no doubt very sedulously set afloat. Your petitioner confidently appeals to the Court to discard utterly such evidence as this.

32. In the very nature of the evidence of the remaining witnesses to this part of the case assuming it to be untrue—your petitioner must necessarily be at the greatest difficulty to confute the tales they utter, and can only discredit by exposing contradictions or improbabilities in what they recite. Thus it may be observed of most of them that their details are improbable from their particularity, that there is the same vagueness as in all other part of this case as to dates,—the 5th, 8th, and 9th witnesses deposing to minute cir-

cumstances in an event of whose date they neither remember day, month, nor year, and the 19th loosely saying that it was "one day three years ago!" Again the 5th directly falsifies the Appellant's case by saying that *a few days* after the money had passed his house, V. Survajee, Narrain Row's Shroff, came there, and on being asked, said he *had got the Bond from C. Bungariah*. The 8th, who is employed by *Narrain Row* over-does his part by making the money carriers humbly ask for permission to keep the treasure in his chowkey, when he, as Narrain Row's Aminah, would have done so as a matter of course. The 9th is a mere echo of the 8th witness; and the 19th, who sends 4 peons with the money cavadies for the obvious purpose of introducing that they returned and said these cavadies had been placed before C. Bungariah, flounders so, when he is asked to explain how these 4 extra peons were required at a stage of the journey when all jungle was already passed, that he declares it was *because it was night*, and the men wished to reach Peddapoore by *day-break at least*, forgetting that he had just before said that the people with the money came and asked to halt in his chavedy, and that he gave them the 4 peons the *next morning*.

33. The Court (para 24) attaches importance to no *effort* being made to establish the fact of the money having reached the hands of Chena Bungariah, considering that the eye of a fabricator of evidence would assuredly have been prominently directed to this, but your petitioner submits that the Appellant has done his best towards this end, first by the direct testimony of his Shroff V. Survajee and the indirect of the 4 Peons sent by the 19th witness and next by making C. Bungariah acknowledge the receipt of the money and give an account of her transactions to every body who comes near her. But even here the defects of the evidence are apparent.

34. The repeated story of his peons by the 19th witness is inadmissible as evidence and may be dismissed at once. The leading one of the four is conveniently out of the way. But the Shroff V. Survajee's evidence requires to be very closely to be looked at. From the whole tenor of it, it would seem that he took the money straight from Vizagapatam to Peddapoore, and handed over it and the Bond to C. Bungariah with no more delay than was required for the communication with the Moonsiff, Mouljee Saib. Yet to an early question

he says, that the money *was given* to C. Bungariah and the Bond taken from her on the 21st and 20th September 1838, or many days after the time of his arrival ! He next speaks of the execution of the Bond, as if it had occurred immediately after the delivery of the money and Government Note, and at last declares that the Bond was completed *two days* after this.

35. Your petitioner will now proceed to what may be regarded as the next stage of the evidence in the case, the proceedings in reference to Moulvee Saib, the Moonsiff of Peddapooram. The Court has dwelt upon this, as strongly sustaining the case of the Appellant and as in the Moonsiff himself, presenting another evidence "above all suspicion." The Court (para 21 and 25) recites that the Moonsiff having been applied to by the *Appellant's father* to recommend persons for attestation of the Bond to be executed by C. Bungariah, deputes certain parties (witnesses) connected with his own Court for the purpose and that such a proceeding was quite above suspicion. Your petitioner respectfully submits that the Court has here quite erred as to fact, that the Moonsiff did not depose to such effect, and that as will presently be shewn, the whole evidence on this point presents a maze of contradictions.

36. The *allusions* to the Moonsiff taking an active part in this matter on the motion of Narrain Row himself are found in the following. The 1st witness, Accountant of Narrain Row, says C. Bungariah's Bond was received either through Shroff Survajee or the Moonsiff. The 3d witness, Head Shroff says the money sent for C. Bungariah was *paid through the Moonsiff* and the Bond obtained with his knowledge. The 4th V. Survajee the deputed Shroff, says Narrain Row gave him a letter for the Moonsiff, which asked him to send confidential persons to attest a Bond that C. Bungariah was to execute ; that the Moonsiff acted as he was desired and sent the four men who attested the Bond as witnesses.

37. But the Moonsiff himself tells a different story. He acknowledges no communication from Narrain Row. He says that about 3 years ago a Shroff, name unknown, *came to him and said* that a Bond was about to be executed, and that the *Zemindar's men*, if there were any on the spot, should be caused to attest it that he observed that

he was also a stranger and could not know who were Zemindar's men ; that he should *ask the people then present* and cause them to attest, if they consented. This is the Moonsiff's own version of what occurred. Your petitioner may now turn to the evidence of the attesting witnesses to the Bond, who are the 10th, 11th, 12th, and 13th in the case.

38. The 10th witness deposes that he and the other three who attested the execution of the Bond, went together to the Palace *for the* purpose and left it at the same time. *He* did so because *he* knew *Narrain Row*, who *sent word to him from Vizagapatam* to attest it. V. Survajee, said to be a Shroff of his, accompanied by P. Venkunnah called him. The 11th witness states that he is in the habit of going to the Fort, and so he happened to be there on that particular day—he went along with the other attesting witnesses but *cannot recollect what they went for*. The 12th deposes, that the Shroff Survajee and P. Vencunnah came to the Moonsiff one day, and asked him to send any man to attest a Bond—that the Moonsiff replied he was not a resident of the place and had no confidence in any body, and that they should therefore take whom they choose among those present—that they then called him and the other three attesting witnesses, and they four went. The 13th says much the same as the 12th but makes the Shroff and Venkunnah leave them and then that they were fetched to the Fort at 2 or 3 Indian hours of the night by *some persons unknown*. Thus the whole of these witnesses differ from each other in all but two things—the one of these being, that not one of them (including the Moonsiff) supports the statement that Narrain Row applied to the Moonsiff and the Moonsiff *deputed* the witnesses and the other that except a general and vague allusion to “three years ago” not one of them recollects date, month or year of the transaction he refers to.

39. Your Petitioner craves leave to reserve for his oral argument the other particulars in which he assumes to find reason for appealing for a review of the Court's Judgment, but he would briefly name the great contradictions involved in the explanations regarding the Rupees 800 added to the alleged Bond of C. Bungariah ;—the dubious character which Narrain Row wears under the evidence of the Sudr Ameen Mr. Hudson, coupled with the fact of the fictitious suit

brought and for a while persisted in against C. Bungariah in the Bunder Court;—the recital of the proceedings in the said Suit by the Civil Judge, as justifying his belief that fraud characterized the whole, and which recital is not examined in its detail by this Court ; and lastly he may bring prominently under notice the following startling discrepancy of dates.

40. It is sworn in the case that the 40,000 Rupees and the Government Note for 10,000 were entrusted to Narrain Row's Shroff, V. Survajec, to deliver to C. Bungariah. Survajec swears that he paid the money and took a Bond on the 21st and 20th September 1838, and afterwards that the Bond was taken two days after the payment. So the 18th September may be set down as the earliest date for the delivery of the money. V. Ramunnah swears that he managed the payment to the Collector's Treasury ; that he came over one day when the Treasury Shroff asked him to take the Bills of 1,500 Rupees, giving him cash and paying these in—that he returned to Peddapoor and on C. Bungariah assenting to this, he drew out the Eroosalnamah returned *the same day* to Coconada and paid Cash Bills and Government Note into the Treasury. These are the statements of the Appellant's own witnesses ; it is the way in which his own is made out. The Eroosalnamah in question bears date the *15th September 1838* so that it makes the money alleged to have been received from Narrain Row, he paid in to the Collector's Cutcherry at least three days before it was received ?

Praying that your Honorable Court will review its Judgment and re-hear this case.

Your Petitioner, &c.

April 5th 1852.

SUDR UDALUT, }
30th April 1852. }

Read Miscellaneous Petition presented on the 5th April 1852 by J. Ouchterlony, Esq., Vakeel on behalf of Sree Rajah Vutchavoy Sooreya Narrain Jagapaty Rauz Respondent, praying for a review of the Judgment of the Court of Sudder Udalut in A. S. No. 7 of 1848 on the file of the Sudr Udalut.

(Here enter M. P. No. 188 of 1852.)

The Court of Sudr Udalut are of opinion that a review of Judgment must be granted on this case, because in the first place there would appear to have been a misconstruction of the evidence on some important points. Secondly because some material contradictions and inconsistencies in the testimony of the Plaintiff's witnesses appear to have been overlooked by this Court in pronouncing an opinion as to its value—thirdly that the best evidence and that which with reference to the nature and magnitude of the alleged transaction between the parties and the Plaintiff's position in life as a *merchant* ought as a matter of course to have been produced in support of his claim—viz. his *Books* with oral proof as to the entries therein was tendered—and lastly, because even supposing the Suit to be a true one and all the alleged facts to be satisfactorily established by the evidence adduced, it is very doubtful whether the Respondent as legally responsible for the debt as his signature as Heir at Law to the deceased husband of "Chena Bungariah" who as a childless widow had only a life interest in the Estate, and therefore had no power to alienate or encumber it, was not obtained to the Bond in question jointly with that of the said "Chena Bungariah," or, admitting that whether he is answerable to a greater extent than he may be found on due enquiry to have actually inherited from the deceased Zemindar.

On the foregoing grounds the Court of Sudr Udalut accordingly resolve to admit the review solicited and to direct that A. S. No. 7 of 1848 be replaced on the file.

Ordered that Extract from the Proceedings be furnished to the Petitioner's Vakeel on his application.

REVISED DECREE OF THE COURT OF SUDDER UDALUT.

BEFORE THE CIVIL COURT OF RAJAHMUNDRY—ORIGINAL SUIT
No. 349 OF 1845.

COURT OF SUDDER UDALUT—APPEAL SUIT No. 7 of 1848.

Appellant.

GODAY VENCATA JUGGAROW, *versus*

{ 1st SREE RAJAH VUTCHAVOYA SOOREA NARBAINA JAGAPATYRAUZE, and 2d his Brother TIMMA JAGAPATYRAUZE.

Vakeel.

S. TEROOMALLACHARRY.

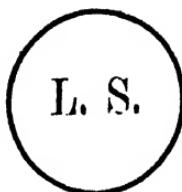
Respondents.

1st Respondent's Vakeel.

JAMES OUCHTERLONY, Esq.

(Signed) G. S. HOOVER,

„ T. L. STRANGE.



1. The Plaintiff (Appellant) sued for the recovery of Rupees 55,270 as principal and interest due on a Bond for Rupees 50,800 executed to him by Vutsavoy Chena Bungariah (deceased) on the 20th September 1838 upon the mortgage of her estate in Peddapoor—the Defendants being proceeded against as her heirs and successors to the said property.

2. The 1st Defendant alone answered denying the claim and further pleading that neither himself nor the 2nd Defendant could be made personally liable for it.

3. The Civil Judge considered the Suit to be a false and fraudulent one, and dismissed it finding the Appellant in a sum equivalent to that sued for viz. Rupees 55,270.

4. The Plaintiff (Appellant) appealed against the above decision and was answered by the 1st Defendant (Respondent.)

5. The Court of Suder Udalut for reasons stated at length in their Decree were quite unable to concur with the Civil Judge in the view

he took of the case, and being of opinion that the Appellant had satisfactorily established his claim, they reversed the Original decision, and decreed to him the amount sued for, with further Interest and costs, cancelling at the same time the heavy fine imposed on him by the Civil Judge.

6. On the application of the 1st Respondent for a review of judgment in the case, the Court of Sudr Udalut readmitted the Suit on their file, because in the first place there would appear to have been a misconstruction of the evidence on some important points.

2ndly because some material contradictions and inconsistencies in the testimony of the Plaintiff's witnesses appear to have been overlooked by the Court of Sudr Udalut in pronouncing an opinoin as to its value.

3rdly that the best evidence and that which with reference to the nature and magnitude of the alleged transactions between the parties, and to the Plaintiff's position in life as a *Merchant*, ought as a matter of course to have been produced, viz. his Books, with oral proof as to the entries therein was not tendered, and lastly because even supposing the Suit to be a true one, and the alleged facts to be satisfactorily proved, it is very doubtful whether the Respondent is legally responsible for the debt, his signature as Heir at law to the deceased husband of "Chena Bungariah" not having been obtained to the Bond in question jointly with that of the said "Chena Bungariah" who as a childless widow had only a life interest in the estate, and consequently had no power to alienate or encumber it, on admitting that, whether the Respondent is answerable to a greater extent than he may be found on due enquiry to have actually inherited from the deceased Zemindar.

7. After a careful and deliberate consideration of the entire Record of the Suit, the Court of Sudr Udalut observe that in the exceptions taken by the Respondent to the evidence on which the Decree of this Court is founded, they can perceive nothing to induce them to alter their opinion as to the broad fact declared in the Decree, viz., that the Bond sued upon is a true one, and the claim raised thereon just. The Witnesses may vary in certain respects, their memories may not hold as to dates, and there may be some seeming

timony may be based upon truths. Such the Court of Suder Udalut consider to be the case, the blemishes in question when the whole of the evidence is fully and fairly weighed not appearing to them of a material nature, nor incapable of explanation, while some of them it is observed are of a description which could not have had place, had the evidence been concerted. All this evidence was duly weighed when the cause was decided, and having been accepted, no contrary Judgment based upon the simple consideration of its merits, can, in the opinion of the Court of Sudr Udalut be legally given but by an Appellate Court.

8. Neither does it seem to the Court that the non-production of the Appellant's accounts is a matter that can suffice for disturbance of the said Judgment. The Appellant was never challenged on this head throughout the progress of the Suit, and his claim resting upon a Bond this species of evidence was not called for.

9. The question of the Respondent's non-liability for the debt because Chena Bungariah had only a life interest in the property was not raised in any of the legitimate Pleadings in the Suit. It occurs merely in what is called an Extra Petition the reception of which for the mere end of multiplying the Pleadings was an irregularity. The real fact is that the estate was in risk of passing away altogether unless this debt had been incurred to redeem it from the Collector's hands. Whosoever succeeded thereto was, the Court of Suder Udalut conceive, justly liable for an obligation so incurred.

10. As to the value of the estate at the time it was taken possession of by Respondent, being less than would cover this demand, no evidence has been offered. Viewing the claim as a true one, and the transaction as openly conducted as the evidence would show to have been the case, it is to be presumed that the 1st Respondent the next heir, was well aware thereof. The Suit in the Masulipatam Court which preceded this Suit would of itself have indicated it to him. With this knowledge of the claim the said Respondent took possession of the property, and it can but be concluded, in the opinion of the Court of Sudr Udalut that he did so in view that it more than covered in value the sum of the present demand.

11. With reference to the opinions above expressed the Court of Sudr Udalut see no grounds for interfering with their Decree in this case, and accordingly resolve to uphold in all respects the previous award made by them therein.

Given under my hand, &c.

this 14th day of April 1853.

(Signed) G. HARRIS,

Acting Register.

To

THE ACTING REGISTER,
SUDR UDALUT,

MADRAS.

1. The Civil Judge has the honor to acknowledge the Proceedings of the Court of Sudr Udalut under date the 13th Instant directing him to suspend all Orders in the matter of Row Chena Bavummah and desist from interference with the affairs of the Zemindary of Pithapoore until further Orders, also furnish the Court with a full explanation of all the circumstances of the Case, and his reasons for adopting the measures alluded to in the Proceedings under acknowledgment and for refusing to make a reference to the Court on the subject, as requested by the Collector.

2. The Orders of the Court of Sudr Udalut are obeyed and all Orders connected with the subject issued by this Court are placed in abeyance.

3. With reference to Para 6 of the Proceedings under acknowledgment, the Civil Judge begs to state that the Pleader of the Petitioner's Chalikany Atchiah, Row Bhaviah, Vullunky Lutchmee Venkia and Row Chena Bhaviumma applied to the Civil and Session Court because the Orders they appealed from were passed some by the Collector, some by the Magistrate, and in order to meet all, the orders were studiously passed by the Civil and Session Judge, which would not have been done if the Orders had been passed by the Magistrate alone, or the Collector alone. The Court of Sudr and Foujdaree Udalut frequently adopt this practise in miscellaneous matters as for instance in the matter of Gaudicherla Nursimharoydoo, &c.

4. As the Court of Sudr Udalut declare it was under no circumstances competent to the Civil and Session Judge to appoint a guardian to the Zemindar's sister without referring the matter for the sanction of the Court of Sudr Udalut—the Civil Judge can only regret his error in thinking such a course was competent to him, which opinion is supported as follows.

5. The Pleader for Petitioners having applied to the Court demanding that the girl should be allowed to remain unmolested by any

authority under the Guardianship of her Aunt, and stating that Regulation V. of 1804 under which the Collector had acted, applied to the minor Zemindar only, and not to his Sister, which for the reasons adduced by the Pleader and after a careful perusal of the Regulation appeared very clear, the Judge considered himself bound to act—and as the Regulation declared *the case* in which the Zillah Court could not act but must merely refer to the Court of Sudr Udalut which case the present was *not* the reference did not appear necessary and unnecessary references are to be avoided.

6. On a former occasion when a certain Suit No. 194 of 1848 was pending which was brought by the wife of the late Zemindar on behalf of her younger sons apart from her husband and eldest son, she died while it was pending, and at the approach of death, she entreated that some person other than her husband should be appointed guardian to her children as he would re-marry and would be estranged from the first wife's family—this Application was made to the Court and the father fully acquiesced. Vullunky Lutchmee Venkia was proposed, and agreed to by all the family but was objected to by the *Defendants* and the Judge consulted the Collector, who considered the father the best person. Whereon the Court appointed him, but with the express reservation, that if the event contemplated in the dying wife's application i. e. her husband's re-marriage occurred, a different arrangement might be necessary. That event did occur, and moreover the Zemindar himself died and the young girl demanded to be permitted to stay with her Grandmother with whom she had been all her life and to be protected from the step-mother and her party. Had that Suit gone on long after the father had become estranged from his first wife's family, it would probably have been necessary to have nominated a separate guardian, and if this could be done and was called for while the father lived much more should it be done when he was removed, and the interests of the younger children not only in one Suit or matter but of all kinds were at stake. Vullunky Lutchmee Venkiah is certainly Chalikany Atchia's niece, but she was uterine sister to the late Zeminder, and the Zemindar, his wife, his mother and all were satisfied that she was the person most unquestionably, sincerely and unalterably devoted to the interests of her brother's Children that could be found.

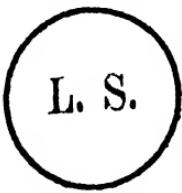
7. It is respectfully submitted that the course adopted was supported 1st by the Regulation, 2d by the precedent in the very closely parallel case of the Grand daughter of Chintaputla Venkatrow which was disposed of by the Court of Circuit on the criminal side, and in which instructions were issued by the Court of Foujdaree Udalut on 22nd April 1833, which instructions ordered that the right course was not to enquire and submit a Report for the Orders of the Court of Foujdaree Udalut but to enquire and act. 3d by the case of Yesuntarow Venkaje cited by the Magistrate as parallel which was disposed of by the Session Judge, and in which no exception was taken by the Court of Foujdaree Udalut to the mode of procedure, but only to the decision arrived at. With these precedents and Orders on the Records of the Court so very clearly prescribing the course proper to adopt, a reference seemed highly objectionable, because utterly unnecessary. Had the new rule now issued by the Court of Sudr Udalut then existed, it would of course have been followed, but the Civil and Session Judge trusts he has shown that Regulation, precedent, sanction and practice, bound him to act as he did.

8. Adverting to the supposed interference in the affairs of the Zemindary, by the Court, the Civil and Session Judge begs to observe that on an occasion when the younger sons of the late Zemindar gave a Petition to the Court alleging certain quarrels and injustice on the part of the elder minor they were referred to the Magistrate. When Chalikany Atechia on 2 occasions petitioned the Session Judge to relieve him from the severe necessity of personal attendance in a degrading position, the Session Judge twice refused, and it was only under the orders of the Court of Foujdaree Udalut that he was finally relieved, there was also assistance to a very unusual extent afforded to the Collector and Magistrate by the Session Court in denying to the Prisoner's in case No 20 of 1851 on the Calendar closely connected with the Pittapoor Zemindary the privilege of bail until the completion of the Prosecution. Hence it will be seen that there has been the reverse of interference with the Collector and Magistrate's Proceedings connected with the Zemindary.

9. When one of the family petitioned the Court to pass an Order sanctioned as above shewn by Regulation, precedent, practice and authority, and entirely consonant as is notorious with the wishes of the

deceased parents of the family the Court must act, and to call such action interference in the affairs of the Zemindary seems questionable.

10. As the charge against Chalikany Atchia is very soon to undergo trial nothing can be said about it, but generally speaking the actual state of things is such as to raise in the controlling authorities the most serious doubts, if the course pursued be the right one—the trusted and beloved friends and kin of the late Zemindar, his respected Sister and venerable mother have their houses invaded and ransacked by the Police and themselves are branded as thieves, swindlers, receivers of stolen goods and would be murderers—thieves of the property of their own heirs and would be murderers of their own flesh and blood in whom their affections are centered. A charge of secreting an armed man under the bed of the young Zemindar was got up—virtually and avowedly against the respected Grandmother the Magistrate fully believed it and does so probably still, but the Subordinate Judge pronounced it a vile conspiracy and a contempt of the intellect of our tribunals—such are the acts of one party against the other, such the penetration of the Officer from whose Reports alone the Commissioner of the Northern Division and the Government derive their information in this matter.



L. S.

Given under my hand, &c.,
 this 26th day of May 1852.
 (Signed) T. A. ANSTRUTHER,
Civil Judge.

FINDING IN CASE No. 52 OF 1851 ON THE CALENDAR.

Prosecutor.

GOVERNMENT

Versus

Prisoner.

CHALIKANY ATCHIA.

1. The Prisoner is charged under Act XIII of 1850 with embezzlement and breach of trust in having received in trust from the late Zemindar of Pittapoor in trust for the Minors and for delivery to the Collector property consisting of cash, chattels and Bonds and having embezzled and fraudulently misappropriated the same and made up false accounts and false statements.

2. This case was first committed to this Court on 21st December 1851 and owing to certain admissions contained in certain proceedings and in the Calendar the case was dismissed without trial. Under orders from the Court of the Foujdaree Udalut it has now been fully tried, Barristers of the Supreme Court officiating as counsel on each side, J. B. Norton, Esq. for Prosecutor, and E. Salmon, Esq. for Prisoner.

3. The primary point to be established is the creation and acceptance of the trust—the secondary points are the breach of the trust and instances of it.

4. On 27th November 1850 the Zemindar died. The 59th and 61st witnesses say that he was senseless during the whole of the 27th November 1850, the 63d says he faintly spoke to the prisoner while *another*, viz 10th witness say he ate his breakfast that day.

5. It is stated that he said to Atchia "you are my nearest kin and most trusty friend therefore do you accept the trust." Had he had sense enough to say that he would have done or made some signs of a desire to do something in conformity with that intention such as giving up the key at his girdle, or making others of the family know that Atchia was to have sole custody of the property—but he did nothing of the kind. Had he hinted to Prisoner a desire that Prisoner should accept the trust and had Prisoner seen that he

was unable to give further effect to his wishes, Prisoner if he intended to accept the trust would have taken immediate steps to have the trust and authority recognized by Row Rama Row and his party who might dispute his mere sole assertion of authority afterwards. Had Prisoner imagined there was any trust imposed on or undertaken by him he would at once have proceeded to take charge of and to secure all the property. Had he meant to incur the obligation and dishonesty to profit by it, as it is alleged he did by abstracting 12 boxes of the property, it is not credible that he should openly set the example of embezzlement leaving all the rest of the property open to embezzlement by the other party, viz. Row Rama Row who, as adoptive father of the Zemindar's wife had access to all parts of the house including the Treasury. Lastly, the terms of the Trust are incongruous and unlikely. It is not to be denied that Chalikany Atchia was the Zemindar's best, nearest and dearest friend whom he trusted to an unbounded extent. The Zemindar at the solemn and affecting moment of assigning the care of interests of his children after his approaching dissolution to one already almost a father to them and destined as is admitted to be still more closely allied to them by the union of his own son with the girl would very probably place every thing and every authority unreservedly in his hands but he would not do the exact contrary which the opposing party pretend he did. It is asserted and has unhappily been credited that the Zemindar at such a time and under such circumstances begged Chalikany Atchia to divest himself as speedily as possible of all control over the property by making it all over to the Collector. It might with equal or far greater probability be supposed he would enjoin on all who had the charge of any of the property or the accounts that they should carefully conceal it from the Collector of Land Revenue to whom the Zemindar had fallen in arrears to the extent of Rupees 50,000. The custom of Zemindars who have incurred arrears is known. They try to induce remission of the arrears but they do not direct that all their treasures shall be made over to the very officer they hope to make lenient by tales of difficulty and distress. The Zemindar might know that an estate devolving on minors would be put under attachment, but he would expect that Chalikany Atchia would be put in charge of every thing. The circumstances of the actual creation of the trust were not even deposited to until a year had elapsed after the Zemindar's death. There is as

strong evidence and as positive that it was not created as that it was. One witness who gave strong evidence for it was Mooppedy Rungapahal 11th witness the Cock-fighter who deposed as positively to another fact about which there was a curious physical break-down (Vide Para 13).

6. It appears to the Session Judge that it is doubtful if the Zemindar was—or rather more probable that he was not in a condition to convey the trust or any thing else that nothing that should but every thing that should not is said to have accompanied the trust both on the part of trustor and trustee that the subsequent acts of the alleged trustee are the exact reverse of what he would do if really a trustee and lastly that the trust is improbable in its terms and end.

7. The improbability is heightened if it were true that the Zemindar who loved to talk of honesty of principle with English Gentlemen knew that his accounts would reveal him to the Collector as a systematic hypocrite and as a base corrupture of the whole body of public Servants for a long period of time, which very body of corrupted men, or others not bought over to his interests and not sated with gifts would have the management of the property.

8. When the Collector visited Pittapoor on the 30th November 1850 only 3 days after the Zemindar's death he asked Prisoner to give up the property, Prisoner referred him to Row Rama Row. If the trust had been a notorious fact and had Chalikany Atchia's fraudulent embezzlement of 12 boxes if it been true his attempt to relieve himself by throwing all responsibility on Row Rama Row was a proceeding fraught with such danger to Row Rama Row that he would instantly have repelled all responsibility and would have fixed on Chalikany Atchia—but he did not. When Chalikany Atchia said what was palpably and necessarily true that since the Zemindar's 1st wife died he had not had access to the private apartments nor to the interior of the Treasury which it was as palpably evident Row Rama Row had since his daughter married the Zemindar, the direct clear fixing of responsibility for the safety of the property on Row Rama Row had not the sole effect it could have if the present charge be

true, but the opposite. Row Rama Row well aware of the consequences of silence refrained from rebutting the responsibility and from exposing the gross theft now said to have been perpetrated by Chalikany Atchia 3 days before. This could not be.

9. The amount at first discovered was Rupees 18,168, annas 12 in jewels and Rupees 6,270 13 3 in cash. On 23d December 1850, the Collector again went in person to Pittapoor and got in the Zanana and by forcibly breaking open doors 32,174 in jewels and 13,680 11 6 in cash. The last of these sets of jewels was delivered from places and parts of the house to which Chalikany Atchia could not have access—that to which Row Rama Row and his party had at their pleasure.

10. The particular acts of breach of trust are stated to be the collection by prisoner if two sums 50 and 60 Rupees due on Bonds executed to the Zemindar by 28th and 34th witnesses. The evidence of these persons is open to much distrust—the grant of the loans and execution of the Bonds being in some parts very improbable the writer and attesting witnesses being it is said never before or since employed to write or attest Bonds taken by the Zemindar and not a word of either of these Bonds being heard of until 10th July 1852—after the case had been replaced on the file and 19 months after the Zemindar died. The Bonds are on plain paper being under 64 Rupees one was written by the giver of it tho' if the loan were true as the Zemindar was said to have been in his Cutcherry surrounded by writers with pen and paper his people would naturally have written it—in the other also the parties were not those who would be employed if the Zemindar had effected the loan—the Bonds no endorsement of payment is made are allowed to be in existence which if the recovery of the amount had been fraudulent they would not be, the complete destruction of them being equally safe for the debtor and necessary for the safety of prisoner the fraudulent receiver. The debtors state that they paid the amount on prisoner's urgent demand as they considered he had authority to collect such—their coming forward without any need, to give nothing but to incur the risk of having to make good the Interest which was stipulated for in the Bonds but which Chalikany Atchia excused them is not probable—not one word or fact stated or paper filed

by the 28th witness who gave the Bond B. for Rupees 60 by 29th and 30th witnesses who attested it by 31st and 32d witnesses who saw the money paid by the Debtor to Prisoner, or by 34th witness who gave 35th witness who wrote 36th and 37th witnesses who attested the Bond C. for 50 Rupees or 38th and 39th witnesses who demanded and witnessed the payment of the money by the debtor to Prisoner is proved true—there is no reason to suppose them true but much and strong to believe them false. It has been very studiously set forth that the Zemindar was the most particular man about his accounts entering the smallest items of fractions of an anna most precisely—the amount of these two Bonds should therefore be entered in some account, but none such forthcoming having been made away with the prosecuting party say by Prisoner and his people. This may be one inference or it might be inferred that the reverse was the case that the Zemindar was most enormously plundered and that these Bonds are forgeries and were never entered in any account whatever. The embezzlement of other Bonds is assumed to have been effected by Prisoner but the Session Judge can find no evidence to prove this nor any circumstances facts or proceedings of Prisoner to warrant the inference of his guilt in this particular.

11. The 2d Act of embezzlement was the removal in open day and without any attempt or hope of concealment of 12 boxes of the deceased Zemindar's property. Prisoner superintending the conveyance of them to his own house just at the entry to which Row Bhaviah sent orders to have the boxes conveyed to her house which they were—this was done on 28th November 1850 the very day after the Zemindar died—on the 30th the Collector arrived and when Prisoner being asked to deliver up the property denied that it was in his charge or that he knew anything about it meaning as ought to have been seen by the Magistrate that Row Rama Row had the charge of it all whereby Row Rama Row became answerable for the 12 boxes said to have been removed by Chalekany Atchia Row Rama Row did not rebut and expose the whole embezzlement. If those 12 boxes had been removed by Chalikany Atchia and taken possession of by Row Bhaviah the latter ought certainly to have been committed as a party—the Session Judge contemplated the necessity of directing this step to be taken but abstained from it at the right of the venerable widow of Neladry Row mother of the late Zemindar and grandmother of the

Minors accused in a Criminal Court of stealing her Grand children's property would have been too bad.

12. The evidence in support of the conveyance is abundant strong and positive but how it ever come to be believed for an instant the circumstances of the case and parties being known is a wonder. The 4 bearers of whom not a word appears to have been heard from 28th November 1850 up to 20th July 1852 depose very fully to the carrying away of 12 boxes in 3 trips by Prisoner's orders from the Jamder-khana to Chalikany Atchia's house but the 2 messengers sent by Row Bhaviah as is said to fetch the boxes to her house deny all knowledge of the matter and another witness employed in a place where he must have seen all the passing and repassing of the bearers with the boxes says nothing of the kind occurred. These are very important contradictions moreover as to the persons who were present at this occurrence. It is in evidence that Row Rama Row had stationed guards at the places where valuables were.

13. A certain portion of the Jewels which Chalikany Atchia is charged with embezzling were forwarded to the Collector by the Minor and the evidence for the Prosecution shows that the Minor called for a certain witness the 62d and said "Chalikany Atchia has certain of my jewels but will not restore them unless I write that they are in my possession—therefore I have resolved to write to that effect"—a box was accordingly opened in a cow and cooking house the Jewels taken out one by one and *put in again* 62d wrote a list the 11th witness cockfighter was asked to sign it but refused until assured that it was the Minor's wish and then he gave way and signed. After the writer of the list had deposed very clearly and strongly the Magistrate raised the physical objection that a silver plate which the witness swore he saw taken out and put back inside the box was too big to go into the box, whereon the witness with the required facility declared it had not been put inside the box but was kept outside it. The 11th witness Cockfighter says Chalikany Atchia's man Muntre-pragada Jogerauze guided his hand when signing, but another witness the 59th declares Muntrepragada Jogerauze was not there. The despatch of the jewels by the minor and his people is true the implication of Chalikany Atchia seems utterly unfounded.

14. Any league between prisoner and prisoners in Case No. 20 of 1851 is in no way supported by any thing that appears in this case but very much the reverse—prisoner freely assents to the rumoured falsification of accounts by Head Sheristadar to conceal the bribes given by deceased to the Government servants and he adds that he concludes that the chittas which were found in the tank were put there in case No. 20 of 1851 by 2d and 3d prisoners by order of the Head Sheristadar. He afterwards said that every body told him in Case No. 20 of 1851, 2d and 3d prisoners were responsible for the missing chittas. All prisoner's statements either as depositions before the Collector or Urzees to him are consistent with his unvarying statement that he had no charge no knowledge of the extent of property, no alliance with any one and no desire or power to conceal or embezzle any thing. He alludes to his natural affection for the minors and to the confidence in his honor reposed in him by the late Zemindar evinced in buying and paying for the Estate of Vellumpalem prisoner being the ostensible purchaser and no document existing to shew that the purchase was really made for the Zemindar. This transaction speaks very highly for prisoner's sense of honor—he admits openly now that the Estate belongs not to him but to the heirs of the Zemindar. Yet the transaction is adduced in para 9 of the Calendar as a proof of his guilt in pretending there were no protective Bonds in favour of the minors.

15. The astounding grossness of the devices resorted to by the conspirators who ever they may be in putting records, where they succeeded in making it to be believed they were bona fide found and the shameful and unnatural falsehood of the charge of attempt at the murder of the minor brought against the Grandmother all of which were believed are strong points to show the power or daring of the party who would benefit by the ruin of Atchia and by the deficiency of the estate being fixed on him or others—and all evidence in favour of that party against the accused is of course much weakened by each detection.

16. It must be remembered that all evidence given for Prisoner is valuable as given rather against the interest of the giver while the Prosecutor's evidence is rendered worthless by the actual power and hopes of the party. The Magistrate has stated that it would be ex-

pedient to shew to the world that it is NOT his wish that Witnesses should swear falsely in support of cases he is trying to prove and he prosecuted accordingly a certain person who had made the mistake and was detected.

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18. On a review of the whole Proceedings and Record the Session Judge arrives at the conclusion on the grounds detailed above that not one word about the trust or any breach of it is proved true but that on the contrary the whole is proved in part by strong presumption and in part by positive proof to be false.

19. The Law Officer reviewing the evidence and noting minutely the inconsistencies and contradictions therein some of which are comparatively trifling but many are very grave declares the charge not proved and the Prisoner entitled to acquittal.

20. In this finding and in all the remarks concerning the credibility of the evidence and the inferences therefrom recorded by the Law Officer the Session Judge concurs and accordingly acquits the Prisoner. The property is to be made over to those in whose possession it was found and any portions of the property found in the houses of Prisoner and of Row Bhaviah as were made over to the prosecuting party or have been retained by the Magistrate must be and restored to the owners, Prisoner and Row Bhaviah.

21. The magnitude of the case, the exalted position of Prisoner and of his Sister the venerable Grandmother of the minors and the long series of hardships and indignities inflicted on Prisoner from which this Court declined at the outset to relieve him make it incumbent on the Session Judge to declare and record his belief of the entire innocence and untarnished honor of the accused and of his relative Row Bhaviah.

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RAJAHMUNDRI,

Session Court,

3rd November 1852.

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(Signed) T. A. ANSTRUTHER,

Session Judge.

THE
NEW EQUITY PRACTICE
OF THE
SUPREME COURT OF JUDICATURE
AT
FORT WILLIAM IN BENGAL,
COMPRISING
ACT NO. VI. OF 1854, THE NEW EQUITY RULES OF 1ST MAY, 1854,
AND AN APPENDIX OF FORMS; WITH AN INDEX.
BY
AN ATTORNEY OF THE SUPREME COURT.

CALCUTTA:
SANDERS, CONES AND CO., LAW PRINTERS AND PUBLISHERS,
No. 65, COSSITOLLAH.

THE
NEW EQUITY PRACTICE
OF THE
SUPREME COURT.

ACT NO. VI. OF 1854.

PASSED 10TH FEBRUARY, 1854.

ANALYSIS.

I. *Bills of complaint to contain a concise narrative of material facts, divided into paragraphs, and numbered; each containing a distinct statement, also prayer for specific and general relief: but no interrogatories.*

II. *Plaintiff may file interrogatories and deliver copy to defendant, and without this he shall not be required to answer.*

III. *Any defendant may without leave file plea answer or demurrer within a certain time: but after that, one not required to answer cannot without leave. Powers of Court for granting time, &c., to remain in full force.*

IV. *Answer may contain not only answer to interrogatories but statements material to defendant's case, divided into numbered paragraphs.*

V. *Plaintiff may on expiration of the time for answering but before replication, move for a decree or decretal order. Plaintiff and defendant may file affidavits in support and opposition and if answer filed it may be treated as an affidavit.*

VI. *Court may refuse to grant such motion, or make order for further prosecution, &c.*

VII. *Practice of excepting to bills, answers, &c., for scandal or impertinence abolished, and Court may order such matter to be expunged, and the costs with costs of application to be paid by party introducing the same.*

VIII. Court may order defendant to produce documents, &c., on oath.

IX. Defendant may in certain cases without cross bill file interrogatories for the examination of plaintiff, to which is to be prefixed a statement of the subjects on which discovery is sought, and deliver a copy to plaintiff who shall answer them. The practice of exceptions to be applicable to such answers. But defendant may with leave file a cross bill.

X. Court may order plaintiff to produce documents, &c., on oath.

XI. Pleas, answers, &c., may be sworn and filed without any further formality than affidavits.

XII. Issue may be joined by replication as formerly.

XIII. Defendant not having been required to answer, and not answering may move to dismiss bill for want of prosecution.

XIV. All affidavits to be expressed in the first person, and divided into numbered paragraphs. But Court may allow one not in accordance with this section to be used.

XV. When suit at issue Court may grant parties liberty to verify their cases by affidavit, notwithstanding that a party who has not sufficient interest requires the evidence to be oral.

XVI. If no such order is made, evidence when issue joined to be oral before the Court. Court may order witnesses to be examined under a commission, and use affidavits at the hearing in certain cases.

XVII. Court may require oral examination of the parties, and the production by them of documents; with full discretion as to costs.

XVIII. Any party may by order of the court issue subpænas for the attendance of witnesses, and the production by them of documents before the Court or Commissioners.

XIX. Persons making affidavits may be subjected to oral cross and re-examination, and may be subpænaed as other witnesses, but Court to have discretion of acting on such evidence.

XX. Costs of attendance for such purposes, and of cross and re-examination to be paid as if the person were the witness of the party cross examining, and to be costs in the cause unless otherwise directed.

XXI. Defendant not to object for want of parties in cases to which the following rules extend :—

- 1.—*Any one residuary legatee, or next of kin, without serving others, may have a decree for administration.*
- 2.—*A person interested in a legacy charged on real estate, or in proceeds of real estate directed to be sold, may without serving others have a like decree.*
- 3.—*A residuary devisee or heir, without serving others, may have a like decree.*

- 4.—*A cestui que trust under a deed, &c., without serving others may have a decree for execution of the trusts.*
- 5.—*In all suits for protection of property pending litigation and in the nature of waste; one person may sue for himself and others of same interest.*
- 6.—*An Executor, Administrator or Trustee may obtain a decree for administration, or execution of the trusts against one legatee, next of kin or cestui que trust.*
- 7.—*In the above cases Court may require other persons to be parties, or give the conduct to such as it may deem proper, and make orders regarding costs for joinder.*
- 8.—*In the above cases persons who under the present practice would be necessary parties, shall be served with a copy of the decree, and be bound thereby, and may by order have liberty to attend proceedings and add to the decree.*
- 9.—*Trustees shall represent the cestuis que trust in the same manner as executors the legatees, in suits concerning trust property. It shall not be necessary but Court can order them to be made parties if it see fit on hearing.*

XXII. *Setting down cause merely for objection for want of parties abolished.*

XXIII. *Court may proceed in any suit without representative of deceased person, or appoint one.*

XXIV. *A creditor, legatee or next of kin may obtain, as of course from a Judge without other proceedings, a summons to the Executor or Administrator to shew cause why an order for administration should not be granted: and the judge may grant such order thereon as he shall deem fit: such order to be of the same effect as a decree in a suit.*

XXV. *Duplicate of such summons to be filed in Court before service, and service copy countersigned by the officer of Court.*

XXVI. *A person claiming to be a creditor of a deceased person or interested under his will may obtain as provided in section xxiv. an order for administration of immoveable estate of such deceased person if a Hindoo, Mahomedan or Parsee: or for the administration of the real estate of any other person where the same is devised to trustees to sell, and receive the rents and proceeds of sale.*

XXVII. *In suits for fore-closure Court may direct a sale instead, upon terms. But may in certain cases require a deposit.*

XXVIII. *No suit shall be dismissed for misjoinder of plaintiffs; but Court may grant relief between them, modify decree for that purpose, direct amendments, and treat one plaintiff as a defendant.*

XXIX. *No suit to be objected to because declaratory order only is sought.*

XXX. *Court may decide between some of the parties without*

making others interested parties to the suit; but has discretion to refuse.

XXXI. In case of abatement, &c. of suit an order may be made which shall have same effect as a Bill of Revivor, but such order to have no force if party served be under disability.

XXXII. New facts, &c. after commencement of suit to be introduced as amendments to bill; or the plaintiff to be at liberty to state them as the Court may direct.

XXXIII. Where account required to be taken, Court may give special directions as to the mode of taking same.

XXXIV. Court may order real estate to be sold if required at any stage after institution of suit as effectually as by decree on hearing.

XXXV. Where real or personal property is the subject of proceedings. Court may allow to parties whole or part of annual income.

XXXVI. Answer of defendant, on motion for injunction or receiver, regarded as an affidavit. And affidavits may be read in opposition.

XXXVII. In case directions as to practice be not followed, Court may make orders, and award costs.

XXXVIII. Court of Equity not to decline granting equitable relief until legal title be established: but to decide the same themselves.

XXXIX. Court may refer to a judge matters usually referred to Master, and may itself hear in court or chambers such matters with powers of Master.

XL. Not necessary to confirm the report of a Judge or Master unless exceptions filed in 14 days.

XLI. If exceptions allowed, not necessary to refer back, but Court may decide itself.

XLII. Certain matters enumerated may be disposed of by a Judge in chambers: but an order of a Judge may be altered by the Court.

XLIII. Act to extend only to Equity Side of Supreme Courts.—“Bill” shall include “information,” and “affidavit,” “information.”

XLIV. Act to take effect from 1st May, 1854.

AN ACT to amend the practice and course of proceeding on the Equity Side of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, Madras and Bombay.

WHEREAS it is expedient to amend the practice and course of proceeding on the Equity Side of Her Majesty's Supreme Courts of

Judicature at Fort William in Bengal, Madras and Bombay respectively, It is enacted as follows :—

I. Every Bill of Complaint to be filed in any of the said Courts after the time hereinafter appointed for the commencement of this Act, shall contain, as concisely as may be, a narrative of the material facts, matters and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, and each paragraph containing, as nearly as may be, a separate and distinct statement or allegation, and shall pray specifically for the relief which the plaintiff may conceive himself entitled to, and also for general relief, but such Bill of Complaint shall not contain any interrogatories for the examination of the defendant.

II. Within a time, to be limited by the Rules or Orders to be made by the Judges of the said Courts respectively in that behalf, the plaintiff, in any suit in any of the said Courts commenced by Bill may, if he requires an answer from any defendant thereto, file in the Sworn Clerk's, or other proper office of the said Court, interrogatories for the examination of the defendant or defendants, or such of them from whom he shall require an answer, and deliver to the defendant or defendants so required to answer, or to his or their solicitor, a copy of such interrogatories, or of such of them as shall be applicable to the particular defendant or defendants, and no defendant shall be called upon or required to put in any answer to a Bill, unless interrogatories shall have been so filed, and a copy thereof delivered to him or his solicitor, within the time so to be limited, or within such further time as the Court shall think fit to direct.

III. Whether the plaintiff in any suit, in any of the said Courts, shall or shall not require any answer from the defendant, or any one or more of the defendants to the Bill, such defendant or defendants may, without leave of the Court, put in a plea, answer, or demurrer to the plaintiff's Bill within the time now allowed to the defendant for demurring alone to a Bill, or within such other time as shall be fixed by any Rules or Orders to be framed by the Judges of the said Courts respectively in that behalf ; but after that time a defendant or defendants not required to answer the plaintiff's Bill, shall not be at liberty to put in a plea, answer, or demurrer to the Bill, without leave of the Court ; provided that the power of the Court to grant further time for pleading, answering, or demurring to any Bill, upon the application of any defendant or defendants thereto, whether required to answer the Bill or not, shall remain in full force, and shall not be in any wise prejudiced or affected ; provided also that if the Court shall grant any further time to any defendant for pleading, answering, or demurring to the Bill, the plaintiff's right to move for a decree under the provisions hereinafter contained shall in the mean time be suspended.

IV. The answer of the defendant to any Bill of Complaint in any of the said Courts may contain not only the answer of the defendant to the interrogatories so filed as aforesaid, but such statements material to the case as the defendant may think it necessary or advisable to set forth therein, and such answer shall also be divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate and distinct statement or allegation.

V. The plaintiff in any suit commenced by Bill shall be at liberty, at any time after the time allowed to the defendant for answering the same shall have expired (but before replication), to move the Court, upon such notice as shall in that behalf be prescribed by any Rule or Order to be made by the Judges of the said Courts respectively, for such decree or decretal Order as he may think himself entitled to, and the plaintiff and defendant respectively shall be at liberty to file affidavits in support of, and in opposition to the motion so to be made, and to use the same on the hearing of such motion ; and if such motion shall be made after an answer filed in the cause, the answer shall, for the purposes of the motion, be treated as an affidavit.

VI. Upon any such motion for a decree or decretal Order, it shall be discretionary with the Court to grant or refuse the motion, or to make an order giving such directions for or with respect to the further prosecution of the suit, as the circumstances of the case may require, and to make such order as to costs as it may think right.

VII. The practice of excepting to Bills, answers and other proceedings in the said Courts for scandal or impertinence, shall be, and the same is hereby abolished ; provided that it shall be lawful for any of the said Courts, or for a Judge thereof, to order any scandalous or impertinent matter introduced into any proceeding in the Court to be expunged, and any costs occasioned thereby, together with the costs of any application for the purpose to be paid by the party introducing the same.

VIII. It shall be lawful for the Court, upon the application of the plaintiff in any suit in any of the said Courts, whether commenced by Bill or by Claim, and as to a suit commenced by Bill, whether the defendant may or may not have been required to answer the Bill, or may or may not have been interrogated as to the possession of documents, to make an order for the production by any defendant, upon oath, of such of the documents in his possession or power relating to matters in question in the suit as the Court shall think right, and the Court may deal with such documents when produced in such manner as shall appear just.

IX. It shall be lawful for any defendant in any suit, whether commenced by Bill or by Claim, but in suits commenced by Bill which

the defendant is required to answer, not until after he shall have put in a sufficient answer to the Bill, and without filing any cross Bill of discovery, to file in the Sworn Clerk's or other proper office of the Court wherein such suit is pending, interrogatories for the examination of the plaintiff, to which shall be prefixed a concise statement of the subjects on which a discovery is sought, and to deliver a copy of such interrogatories to the plaintiff or his solicitor, and such plaintiff shall be bound to answer such interrogatories, in like manner as if the same had been contained in a Bill of Discovery filed by the defendant against him on the day when such interrogatories shall have been filed, and as if the defendant to such Bill of Discovery had on the same day duly appeared ; and the practice of the Court with reference to excepting to answers for insufficiency, or for scandal, shall extend and be applicable to answers put in to such interrogatories ; provided that in determining the materiality or relevancy of any such answer, or of any exception thereto, the Court is to have regard, in suits commenced by Bill, to the statement contained in the original Bill, and in the answer which may have been put in thereto by the defendant exhibiting such interrogatories for the examination of the plaintiff, and in suits commenced by claim, to the statements therein, and in any affidavits which may have been filed either in support thereof or in opposition thereto ; provided also that a defendant, if he shall think fit so to do, may by leave of the Court or of a Judge thereof exhibit a cross bill of discovery against the plaintiff, instead of filing interrogatories for his examination.

X. It shall be lawful for the Court, upon the application of any defendant in any suit, whether commenced by Bill or by Claim, but as to suits commenced by Bill where the defendant is required to answer the plaintiff's Bill not until after he has put in a full and sufficient answer to the Bill, unless the Court shall make any order to the contrary, to make an order for the production by the plaintiff in such suit, on oath, of such of the documents in his possession or power relating to the matters in question in the suit as the Court shall think right, and the Court may deal with such documents when produced in such manner as shall appear just.

XI. Every plea, answer, disclaimer, or examination may be sworn and filed without any further or other formality than is required in the swearing and filing of an affidavit.

XII. In suits commenced in any of the said Courts by Bill, where notice of motion for a decree or decretal order shall not have been given, or, having been given, where a decree or decretal order shall not have been made thereon, issue shall be joined by filing a replication, in the form or to the effect of the replication now in use in the said Courts respectively, and where a defendant shall not have been

required to answer and shall not have answered the plaintiff's Bill he shall be considered to have traversed the case made by the Bill.

XIII. Where a defendant to a suit in any of the said Courts commenced by Bill shall not have been required to answer the Bill, and shall not have answered the same, such defendant shall be at liberty to move to dismiss the Bill for want of prosecution, at such times and under such circumstances, and subject to such restrictions, as shall be in that behalf prescribed by any rules or orders to be made by the Judges of the said Courts respectively in that behalf.

XIV. Every affidavit to be used in any of the said Courts shall be expressed in the first person and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be, shall be confined to a distinct portion of the subject. Provided that nothing herein contained shall preclude the Court or any Judge thereof in any case in which such Court or Judge may think fit so to do from allowing any affidavit to be used, notwithstanding the same may not be made according to the provisions of this Section.

XV. When any suit commenced in any of the said Courts by Bill shall be at issue, the Court or a Judge thereof may, upon the application of any of the parties to the suit, and by consent of all the other parties thereto make an order that the parties shall be at liberty to verify their respective cases by affidavit, and such cases may thereupon be verified accordingly. If any one or more of the parties, who shall not have a sufficient interest in the matters in question to require the evidence to be oral, shall not consent to the making of such order, the Court or a judge thereof may make the same without the consent of such party or parties.

XVI. If no such order shall be made, the evidence to be adduced in the cause after issue joined therein shall be taken orally before the Court, and the attendance of witnesses and the production of documents may be enforced in the manner for the time being in use on the Common Law side of the said Courts respectively ; provided that the Court may order any particular witness or witnesses within the jurisdiction of the Court, or any witness or witnesses out of the jurisdiction of the Court, to be examined, upon interrogatories or otherwise, under a commission, and to make such order relating to such examination as the Court may think fit ; and provided also that affidavits of particular witnesses, or affidavits as to particular facts or circumstances, may by consent of the parties, or by leave of the Court obtained upon notice, be used on the hearing of any cause ; such consent, and also the consent required by the Section XV. of this Act, may, with the approbation of the Court, be given

by or on the part of any married woman, infant or other persons under disability.

XVII. Upon the hearing of any suit depending in any of the said Courts, whether commenced by Bill or Claim, and also upon the hearing of any motion, petition or other proceeding in any of the said Courts, the Court may, upon the application of any of the parties thereto, or of its own accord, require and enforce the attendance and oral examination before itself of any witness, or of any party to the suit, and may also require and enforce the production of any document or documents, and may direct the costs of the attendance and examination of such witness or party and of the production of such document or documents to be paid by such of the parties to the suit, or in such manner as it may think fit.

XVIII. Any party in any suit or matter may, by order of the Court or of a Judge thereof, issue a writ of subpoena ad testificandum or duces tecum, for the purpose of compelling the attendance of any person before the said Courts, or before a Commissioner or Commissioners at a time and place to be specified in such subpoena, to give evidence and produce documents in support of or in opposition to any claim, motion, petition, or other proceeding before the Court; and every person served with such subpoena shall be bound to attend in pursuance thereof, and to produce documents, and to give evidence, in like manner and subject to the same rules as a witness subpoenaed to attend or produce documents upon the trial of any cause in the said Court.

XIX. Any person who shall make an affidavit which shall be used or filed by any party to a suit in any of the said Courts, may, by the order of the Court or of a Judge thereof, be subjected to oral cross-examination by or before the Court, or by or before a Commissioner or Commissioners, and may be subpoenaed to attend for that purpose, and to produce any document or documents, at a time and place to be specified in the subpoena; and any person so subpoenaed shall be bound to attend and produce such document or documents in pursuance of such subpoena, in the same manner and subject to the same rules, as a witness subpoenaed to attend and give evidence or produce documents on the trial of a cause, and such person may be cross-examined and re-examined orally; provided that the Court shall always have a discretionary power of acting upon such evidence as may be before it at the time, and of making such interim orders as may appear necessary to meet the justice of the case.

XX. The costs of the attendance of any person, for the purpose

of cross-examination as aforesaid, and of the said cross-examination, and re-examination, shall be paid by the parties respectively, in like manner as if the person so attending to be cross-examined were the witness of the party cross-examining, and shall be deemed costs in the cause of such parties respectively, unless the Court shall otherwise direct.

XXI. It shall not be competent to any defendant in any suit in any of the said Courts to take any objection for want of parties to such suit, in any case to which the rules hereinafter set forth extend, and such rules shall be deemed and taken as part of the law and practice of the said Courts respectively and any law or practice of any of the said Courts inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1st.—Any residuary legatee or next of kin may, without serving the remaining residuary legatees or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2nd.—Any legatee interested in a legacy charged upon real estate and any person interested in the proceeds of real estate directed to be sold, may, without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3rd.—Any residuary, devisee or heir, may, without serving any co-residuary devisee or co-heir, have the like decree.

Rule 4th.—Any one of several cestuis que trust under any deed or instrument may, without serving any other of such cestuis que trust, have a decree for the execution of the trusts of the deed or instrument.

Rule 5th.—In all cases of suits for the protection of property pending litigation, and in all cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6th.—Any executor, administrator or trustee may obtain a decree against any one legatee, next of kin, or cestui que trust, for the administration of the estate or the execution of the trusts.

Rule 7th.—In all the above cases the Court, if it shall see fit, may require any other person or persons to be made a party or parties to the suit, and may, if it shall see fit, give the conduct of the suit to such person as it may deem proper, and may make such order in any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8th.—In all the above cases the persons who, according to

the present practice of the Court, would be necessary parties to the suit shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may, by an order of Court, have liberty to attend the proceedings under the decree : and any party so served may, within such time as shall in that behalf be prescribed by any general rule or order to be made by the said Courts respectively in that behalf, apply to the Court to add to the decree.

Rule 9th.—In all suits concerning real or personal estate which is vested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate, represent the persons beneficially interested in such personal estate, and in such cases it shall not be necessary to make the persons beneficially interested under the trust parties to the suit, but the Court may upon consideration of the matter on the hearing, if it shall so think fit, order such persons or any of them to be made parties.

XXII. The practice of setting down a cause merely on an objection for want of parties to the suit shall be abolished.

XXIII. If in any suit or other proceeding before any of the said Courts, it shall appear to the Court that any deceased person who was interested in the matters in question has no legal personal representative, it shall be lawful for the Court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit or other proceeding, on such notice to such person or persons, if any, as the Court shall think fit, either specially or generally by public advertisements ; and the order so made by the Court, and any orders consequent thereon, shall bind the estate of such deceased person, in the same manner in every respect as if there had been a duly-constituted legal personal representative of such deceased person and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and submitted his rights and interests to the protection of the Court.

XXIV. It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course without bill or claim filed, or any other preliminary proceedings, a summons from a Judge of any of the said Courts, requiring the executor or administrator, as the case may be,

of such deceased person, to attend before him at chambers for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted, and upon proof by affidavit of the due service of such summons, or on the appearance in person, or by solicitor or counsel, of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his discretion he shall think fit so to do, to make the usual order for the administration of the estate of the deceased with such variations, if any, as the circumstances of the case may require, and the order so made shall have the force and effect of a decree to the like effect made on the hearing of a cause or claim between the same parties provided that such Judge shall have full discretionary power to grant or refuse such order, or to give any special directions touching the carriage or execution of such order, and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or of the classes of claimants, as he may think fit ; and if the Judge shall think proper, the carriage of the order may subsequently be given to such party interested, and upon such terms as the Judge may direct.

XXV. A duplicate or copy of such summons shall, previously to the service thereof, be filed in the office of the Registrar or other proper officer of the Court, and no service thereof upon any executor or administrator shall be of any validity unless the copy so served shall be countersigned by such Registrar or other officer as an indication of the filing thereof, and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a bill or claim.

XXVI. It shall be lawful for any person claiming to be a creditor of a deceased person, or interested under his will, to apply for and obtain in a summary way, in the manner herein-before provided with respect to the personal estate of a deceased person, an order for the administration of the immovable estate of such deceased person, if a Hindoo or a Mahomedan, or a Parsee ; or for the administration of the real estate of any deceased person, not being a Hindoo, or a Mahomedan, or a Parsee, where the whole of such real estate is by devise vested in trustees who are by the will empowered to sell such real estate, and authorized to give receipts for the rents and profits thereof, and for the produce of the sale of such real estate ; and all the provisions herein-before contained with respect to the application for such order, in relation to the personal estate of a deceased person and consequent thereon, shall extend and be applicable to applications for such orders as herein-before-mentioned with respect to immovable or real estate.

XXVII. It shall be lawful for the Court, in any suit for the foreclosure of the equity of redemption in any mortgaged property, upon the request of the mortgagee or of any subsequent incumbrancer or of the mortgagor, or any person claiming under them respectively to direct a sale of such property instead of a foreclosure of such equity of redemption on such terms as the Court may think fit to direct, and if the Court shall so think fit without previously determining the priorities of incumbrances, or giving the usual or any time to redeem ; provided that if such request shall be made by any subsequent incumbrancer, or by the mortgagor, or by any person claiming under them respectively, the Court shall not direct any such sale without the consent of the mortgagee, or the persons claiming under him, unless the party making such request shall deposit in Court a reasonable sum of money, to be fixed by the Court, for the purpose of securing the performance of such terms as the Court may think fit to impose on the party making such request.

XXVIII. No suit in any of the said Courts shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein, but wherever it shall appear to the Court that notwithstanding the conflict of interest in the co-plaintiffs or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiff or some or one of them are or is entitled to relief, the Court shall have power to grant such relief and to modify the decree according to the special circumstances of the case, and for that purpose to direct such amendments, if any, as may be necessary, and at the hearing, before such amendments are made, to treat any one or more of the plaintiffs as if he or they was or were a defendant or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record ; and where there is a misjoinder of plaintiffs and the plaintiff having an interest shall have died, leaving a plaintiff on the record without an interest, the Court may, at the hearing of the cause, order the cause to stand revived, as may appear just, and proceed to a decision of the cause if it shall see fit, and to give such directions as to costs or otherwise as may appear just and expedient.

XXIX. No suit in any of the said Courts shall be open to objection on the ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding declarations of right without granting consequential relief.

XXX. It shall be lawful for the Court to adjudicate on questions arising between parties notwithstanding that they may be some only of the parties interested in the property respecting which the question may have arisen, or that the property in question is comprised with

other property in the same settlement, will, or other instrument, without making the other parties interested in the property respecting which the question may have arisen, or interested under the same settlement, will, or other instrument, parties to the suit, and without requiring the whole trusts and purposes of the settlement, will, or other instrument to be executed under the direction of the Court, and without taking the accounts of the trustees or other accounting parties or ascertaining the particulars or amount of the property touching which the question or questions may have arisen ; provided always, that if the Court shall be of opinion that the application is fraudulent or collusive, or for some other reason ought not to be entertained, it shall have power to refuse to make the order prayed.

XXXI. Upon any suit in any of the said Courts becoming abated by death, marriage or otherwise, or defective by reason of some change or transmission of interest or liability, it shall not be necessary to exhibit any Bill of revivor or supplemental Bill in order to obtain the usual Order to revive such suit or the usual or necessary Decree or Order to carry on the proceedings ; but an order to the effect of the usual Order to revive or of the usual supplemental Decree may be obtained as of course, upon a suggestion of the abatement of such suit or of the same having become defective, and of the change or transmission of interest or liability ; and an order so obtained when served upon the party or parties who according to the present practice of the Court, would be defendant or defendants to the Bill of revivor or supplemental Bill, shall from the time of such service be binding on such party or parties in the same manner in every respect as if such Order had been regularly obtained according to the existing practice of the Court, and such party or parties shall thenceforth become a party or parties to the suit and shall be bound to enter an appearance thereto in the office of the Registrar or other officer of the Court within such time and in like manner as if he or they had been duly served with process to appear to a Bill of revivor or supplemental Bill filed against him or them ; provided that it shall be open to the party or parties so served, within such time after service as shall be in that behalf prescribed by any rule or order to be made by the Judges of the said Courts respectively to apply to the Court by motion or petition to discharge such Order on any ground which would have been open to him or them on a Bill of revivor or supplemental Bill, stating the previous proceedings in the suit and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereto, provided also, that if any party so served shall be under any disability, other than coverture, such order shall be of no force or effect as against such party, until a guardian or guardians *ad litem* shall have been duly appointed for such party, and such time shall have elapsed

thereafter as shall be prescribed by any rule or order to be made by the Judges of the said Courts respectively in that behalf.

XXXII. It shall not be necessary to exhibit any supplemental Bill in any of the said Courts for the purpose only of stating or putting in issue, facts or circumstances which may have occurred after the institution of any suit ; but such facts or circumstances may be introduced by way of amendment into the original Bill of Complaint in the suit, if the cause is otherwise in such a state as to allow of an amendment being made in the Bill, and if not, the plaintiff shall be at liberty to state such facts or circumstances on the record, in such manner and subject to such rules and regulations, with respect to the proof thereof and the affording to the defendant leave and opportunity of answering and meeting the same, as shall in that behalf be prescribed, by any rule or order to be made by the Judge of the said Courts respectively.

XXXIII. It shall be lawful for the Court in any case where any account is required to be taken, to give such special directions, if any, as it may think fit, with respect to the mode in which the account should be taken or vouched, and such special directions may be given either by the Decree or Order directing such account, or by any subsequent Order or Orders, upon its appearing to the Court that the circumstances of the case are such as to require such special directions, and particularly it shall be lawful for the Court, in cases where it shall think fit so to do to direct that in taking the account, the books of account in which the accounts required to be taken have been kept, or any of them, shall be taken as *prima facie* evidence of the truth of matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

XXXIV. If after a suit shall have been instituted in any of the said Courts in relation to any real estate, it shall appear to the Court that it will be necessary or expedient that the said real estate, or any part thereof, should be sold for the purposes of such suit, it shall be lawful for the said Court to direct the same to be sold at any time after the institution thereof, and such sale shall be as valid to all intents and purposes as if directed to be made by a Decree or Decretal Order on the hearing of such cause ; and any party to the suit in possession of such estate, or in receipt of the rents and profits thereof, shall be compelled to deliver up such possession or receipt to the purchaser or such other person as the Court shall direct.

XXXV. Where any real or immoveable or any personal property shall form the subject of any proceedings in any of the said Courts, and the Court shall be satisfied that the same will be more than suffi-

cient to answer all the claims thereon, which ought to be provided for in such suit, it shall be lawful for the said Court, at any time after the commencement of such proceedings, to allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of such real or immoveable property, or a part of such personal property, or a part or the whole of the income thereof, up to such time as the said Court shall direct, and for that purpose to make such Orders as may appear to the said Court necessary or expedient, and from time to time to alter the same.

XXXVI. Upon application, by motion or petition to any of the said Courts, in any suit depending therein for an injunction or for a receiver, or to dissolve an injunction or discharge an Order appointing a receiver, the answer of the defendant shall, for the purpose of evidence on such motion or petition, be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

XXXVII. In case any of the directions herein contained with respect to the practice and course of proceedings in any of the said Courts shall, by mistake of parties, fail to be followed in any suit or proceeding in any of the said Courts, it shall be lawful for the Court, if it shall think fit upon payment of such costs as such Court shall direct, to make such order giving effect to and rectifying such proceedings as may be justified by the merits of the case.

XXXVIII. In cases where, according to the present practice of the said Courts, they decline to grant equitable relief until the legal title or right of the party or parties seeking such relief shall have been established in a proceeding at law, any of the said Courts, sitting as a Court of Equity, may itself determine such title or right, without requiring the parties to proceed at law to establish the same.

XXXIX. It shall be lawful for any of the said Courts in any case in which it shall think fit so to do, to refer to a judge of the Court any matters now usually referred to the Master; and also for any of the said Courts to hear and investigate either in Court or in Chambers any such matters, and to decide any case without a reference either to a Judge or to a Master; and all the powers, authority and jurisdiction given to or vested in the Masters of the said Courts respectively by any act, law, or practice, shall be deemed to have been given to or vested in any of the Judges of the said Courts respectively as well as to or in the said Masters.

XL. If exceptions to the report of a Judge or Master of any of the said Courts be not filed within fourteen days after the date of the

report, it shall not be necessary to obtain any Order of the Court for the confirmation of such report ; but such reports shall be deemed to be confirmed from and after the expiration of such fourteen days.

XLI. If any exception to the report or certificate of a Judge or Master be allowed by the Court, it shall not be necessary to refer the case back to the Judge or Master ; but the Court may, if it think fit so to do, hear and investigate in Court or in Chambers any matter which it may be necessary to decide in consequence of the allowance of such exception, and to decide the case without any further reference to a Judge or to the Master.

XLII. Any of the following matters may be disposed of by a Judge of any of the said Courts respectively while sitting in Chambers, videlicet, applications for time to plead, answer or demur, for leave to amend Bills or Claims, for the production of documents, also applications relating to the conduct of suits or matters, and as to the guardianship and maintenance of infants, matters connected with the management of property, and such other matters as any Judge shall from time to time see fit, or as the Court shall by any general Rule or Order direct. Provided that any Order of a Judge sitting in Chambers may be set aside or altered by the Court upon such terms as the Court shall think fit. .

XLIII. The Judges of the said Courts respectively may, from time to time, make General Rules and Orders for carrying the purposes of this Act into effect, for regulating the times and form and mode of proceeding in Court and Chambers, and in the offices of the Masters of the said Courts respectively, for abolishing common injunctions in any case where the practice exists, and generally for regulating the practice of the said Courts in respect of the matters to which this Act relates ; for fixing and regulating the fees and allowances to all officers of the said Court and Solicitors thereof, and, so far as may be found expedient, for altering the course of proceeding herein-before prescribed in respect to the matters to which this Act relates or any of them ; and such Rules and Orders may, from time to time, be rescinded or altered by the like authority, and all such Rules and Orders shall be subject to be confirmed or disallowed by the Governor-General of India in Council, and to be altered or rescinded by Her Majesty, her heirs or successors in Council, in the same manner as the like Rules and Orders would have been, if made by the said Courts respectively, under their general or statutory power of making Rules.

XLIV. This Act shall extend to suits and proceedings on the Equity side only of the said Supreme Courts ; and in the construction of this Act the words "Bill of Complaint" shall mean and include

"Information," and the word "Affidavit" shall mean and include "Affirmation" in cases where affirmation is allowed.

XLV. This Act shall commence and take effect from and after the 1st day of May, 1854. Provided that it shall be lawful for the Judges of the said Courts respectively to make and issue any such Rules or Orders as aforesaid, at any time after the passing of this Act, but the same shall not take effect before the time appointed for the commencement of this Act.

NEW EQUITY RULES.

1ST MAY, 1854.

IN pursuance of Act No. VI. of 1854, and for regulating the practice of the Court in respect of the matters to which the said Act relates, and also in respect of decrees upon Bills taken *pro-confesso* and the proceedings thereunder, it is ordered that the following Orders be now read and passed as the Rules and Orders of the Supreme Court of Judicature at Fort William in Bengal, to take effect from the 1st day of May, 1854.

BILLS AND CLAIMS—PRINTING, FILING, SERVICE AND AMENDMENT THEREOF RESPECTIVELY.

1. Every Bill of Complaint and Claim to be filed with the Sworn Clerk shall, from and after the first day of May, 1854, be printed on writing royal paper, quarto, in pica type, leaded; and the copy to be filed is to be interleaved with paper of the same description.

2. The Writ of Subpœna to appear to and answer a Bill of Complaint, and the Writ of Summons upon a Claim, shall, except as provided by the 20th of these Orders, respectively, be abolished.

3. In lieu of serving a defendant to a Bill of Complaint with a Writ of Subpœna, and in lieu of serving a defendant to a Claim with a Writ of Summons, according to the former practice of the Court, the defendant shall be served with a printed copy of the Bill or Claim, with an indorsement thereon in the form or to the effect set out in Schedule A. to

these Orders, with such variations as occasion may require.

Indorsements upon copy of Bill or Claim.

4. The indorsement to be made upon the copy of the Bill or Claim intended to be served upon a defendant, shall be counter-signed by the Registrar, who shall also state upon the back of such Bill or Claim, the date of the filing thereof; and no such indorsement shall be counter-signed by the Registrar, except under the order of a Judge to be obtained upon the Sworn Clerk's Certificate of the filing of such Bill or Claim and the usual Affidavit of Jurisdiction.

Translation of indorsement to be served on a native.

5. If the defendant, upon whom the copy of a Bill or Claim is intended to be served, shall be a native of India, a translation of the indorsement in the Bengali language shall also be written on the back of the copy to be served upon him.

Indorsements to be sealed.

6. The indorsement on every copy of a Bill or Claim to be served upon a defendant, shall be sealed with the Seal of the Court; and the Sealer shall not affix the Seal to any such indorsement, until the same has been duly counter-signed by the Registrar.

Effect of filing printed copy of Bill or Claim and of service.

7. The filing of a printed Bill of Complaint or Claim with the Sworn Clerk, shall have the same effect as the filing of a Bill of Complaint or Claim and the issuing of a Subpœna or Writ of Summons thereon respectively now have; and the service on the defendant of a printed copy of the Bill of Complaint or Claim so filed, with such sealed indorsement thereon, as in the four last preceding Orders mentioned, shall have the same effect as the service on him of Writ of Subpœna or Writ of Summons respectively now has.

Service how effected.

8. The service upon a defendant of a printed copy of a Bill of Complaint or of a Claim shall be effected in the same manner as the service of a Writ of Subpœna to appear to and answer a Bill of Complaint is now effected, save only that it shall not be

necessary to produce the original Bill or Claim which will be on the files of the Court ; and the Court shall be at liberty to direct substituted service of such printed Bill or Claim in such manner and in such cases as it shall think fit.

9. Notwithstanding the provisions contained in the foregoing Orders, the Sworn Clerk may receive and file a written copy of any Bill of Complaint, praying a Writ of Injunction or a Writ of Ne Exeat Regno or filed for the purpose either solely or among other things of making an infant a ward of Court, or a written copy of any other Bill, or of any Claim, of which, upon being satisfied that a defendant thereto is about to leave the jurisdiction of the Court, for the purpose of evading process, a Judge may order a written copy to be received or filed ; but no written copy of any Bill or Claim shall, in any of the above cases, be received or filed, except upon the personal undertaking of the plaintiff or his solicitor to file a printed copy of such Bill within three weeks ; and every Bill of Complaint so filed, shall be deemed and taken to have been filed at the time of filing the written copy thereof : and a written copy of any such Bill of Complaint to be sealed and endorsed as in the preceding Orders mentioned, may be served on any defendant, and such service shall have the same effect as the service of a printed copy.

When written
copy of Bill or
Claim may be
received or filed

But printed
copy to be filed
in three weeks.

10. No costs are to be allowed either as between party and party, or as between solicitor and client, for any written copy of a Bill filed or served upon any defendant thereto under the preceding Order, or for any written Brief of such Bill, unless the Court shall, in disposing of the costs of the cause, direct the allowance thereof.

Costs.

11. The Sworn Clerk shall, at the expiration of three weeks from the filing of any written copy of a Bill, take off the files of the Court the Bill so filed, unless a printed copy thereof shall, in the meantime, have been filed ; and the plaintiff in the

Unless print-
ed copy be filed
in 3 weeks, Bill
so to be taken off
the file.

Costs.

suit, or his Solicitor, who shall personally have undertaken to file such printed copy, shall pay to the defendant all the costs incurred by him in the suit; such costs to be taxed by the Taxing Officer, without further order, upon production to him of the Sworn Clerk's Certificate, that a printed copy of the Bill has not been filed pursuant to such undertaking, and to be recoverable in like manner as costs ordered to be paid by a party in a suit to another party in a suit are now recoverable.

Solicitors' fees for Bills, &c. 12. In lieu of the fees now payable to Solicitors for engrossing Bills and Claims, for copies of Bills and Claims, for abstracting Bills and making a Brief thereof, Solicitors shall be entitled to charge and be allowed, in suits commenced after these Orders come into operation, the fees specified in Schedule B. to these Orders.

Payment for printed copies at 6 pie per folio 13. The payment to be made by the defendant to the plaintiff for printed copies of the Bill or Claim, shall be at the rate of 6 pie per folio.

No defendant can demand more than 10 copies. 14. No defendant shall be at liberty to demand from the plaintiff more than 10 printed copies of his Bill or Claim.

Amendments. 15. When, according to the present practice of the Court, an amendment of a Bill or Claim may be made without a new engrossment thereof, a Bill or Claim may be amended by written alterations in the printed Bill or Claim so to be filed, and by additions on the paper to be interleaved therewith according to the direction of Order 1.

Amendment of defendant's copy Bill abolished. 16. The practice of amending a defendant's copy of the Bill shall, with respect to the amendment of Bills filed after these Orders come into operation, be abolished.

Copy of amended Bill or Claim to be served. 17. A copy of an amended Bill or Claim, whether upon amendment by re-print, or by such alterations and additions as mentioned in

Order 15, is to be served upon the defendant or his Solicitor; and such copy may be partly printed and partly written, if the amendment is not made by a re-print; but in every case the copy to be served is to have endorsed thereon a memorandum, to be signed by the Sworn Clerk, indicating the filing of such amended Bill or Claim, and the date of the filing thereof, and that the same is a true copy.

Sworn Clerk's
memorandum.

18. When a defendant has appeared in person to any Bill, service at the address for service of such defendant of a copy of an amended Bill, whether wholly printed, or partly printed, and partly written, shall be good service on the defendant.

Service on
defendants who
have appeared.

19. None of the preceding Orders shall apply to Bills or Claims filed before these Orders come into operation, though afterwards amended; and the existing practice of the Court is to continue in force with respect to amendment of such Bills or Claims.

None of these
orders to apply
to Bills or
Claims filed be-
fore they come
into operation.

20. The existing practice of this Court, with reference to issuing and serving Writs of Subpoena to appear to and answer Bills and Writs of Summons or Claims, is also to continue in force with respect to Bills and Claims filed before these Orders come into operation.

Subpoena and
Summons.

21. Bills are to be addressed, at present, to the three Judges of the Court, and are to state by what means the defendant or defendants is or are respectively subject to the Jurisdiction of the Court, but are otherwise to be in the form prescribed by the Orders of the High Court of Chancery, of the 7th of August, 1852,* with such variations as the nature and circumstances of each particular case may require.

Address of
Bills.

* See the form of Bill prescribed by these orders in the Appendix, page 43.

PROCEEDINGS WHEN THE DEFENDANT FAILS TO APPEAR.

Plaintiff may apply for leave to enter an appearance for any defendant who, to enter appearance for not being an infant or a person of weak and unsound defendant, not mind, unable of himself to defend the suit shall, after having been duly served with a copy of any Bill of Complaint, fail to appear thereto within the time limited for such appearance, and upon proof by affidavit of the due service of a copy of the Bill on such defendant, and a certificate that no appearance has been entered, such leave shall be granted as of course, if the application for the same shall be made within three weeks after the time limited for the appearance of the defendant, and may be granted or refused at the discretion of the Court, if the application for the same shall not have been made within such three weeks ; and on obtaining such leave, the plaintiff shall cause an appearance to be entered for the defendant, and thereupon may proceed in the cause as if the defendant had actually appeared.

Grounds.

22. The plaintiff may apply to the Court for leave to enter an appearance for any defendant who, to enter appearance for not being an infant or a person of weak and unsound defendant, not mind, unable of himself to defend the suit shall, after having been duly served with a copy of any Bill of Complaint, fail to appear thereto within the time limited for such appearance, and upon proof by affidavit of the due service of a copy of the Bill on such defendant, and a certificate that no appearance has been entered, such leave shall be granted as of course, if the application for the same shall be made within three weeks after the time limited for the appearance of the defendant, and may be granted or refused at the discretion of the Court, if the application for the same shall not have been made within such three weeks ; and on obtaining such leave, the plaintiff shall cause an appearance to be entered for the defendant, and thereupon may proceed in the cause as if the defendant had actually appeared.

Appearance entered by plaintiff for a defendant, who, at the time of the entry thereof, is an infant, or a person of weak or irregular and void.

23. Any appearance entered at the instance of a plaintiff for a defendant, who, at the time of the entry thereof, is an infant, or a person of weak or irregular and void.

If on default of appearance it appears that defendant is an infant or of unsound mind, Court may assign a solicitor as guardian.

24. If upon default made by any defendant in not appearing to any Bill of Complaint, it appears to the Court that such defendant is an infant, or a person of weak or unsound mind, not so proved by inquisition, so that he is unable of himself to defend the suit, the Court may, upon the application of the plaintiff, order that one of the solicitors may be assigned guardian of such defendant, by whom he may appear to the Bill and defend the suit ; but no such Order is to be made, unless it appears to the Court, on the hearing of such application, that a copy of the Bill was duly served, and that notice of such application was, after the time limited for the appearance of the defendant, and at least six clear days before the hearing of such

application, served upon or left at the dwelling-house of the person, with whom, or under whose care such defendant was at the time of serving a copy of the Bill; and (in case of such defendant being an infant, not residing with, or under the care of his father or guardian) that notice of such application was also served upon or left at the dwelling-house of the father or guardian (if any) of such infant, unless the Court, at the time of hearing, shall think fit to dispense with such last-mentioned service.

25. In case it appears to the Court, by sufficient evidence, that any defendant against whom process to appear to a Bill has been issued under the preceding Orders, has been within the jurisdiction of the Court at some time not more than two years, before the issuing of the process; and that he is still subject to the jurisdiction of the Court, but that such defendant is beyond the sea, or that upon enquiry at his usual place of abode, he cannot be found so as to be served with a copy of the Bill, and that there is just ground to believe that he is gone out of the jurisdiction of the Court, or has otherwise absconded to avoid being served with the process of the Court, then and in such case the Court may order that such defendant do appear at a certain day to be named in the Order, and a copy of such order, together with a notice thereof to the effect set forth at the foot of this Order, may, within fourteen days after such Order made, be inserted in the *Government Gazette*, and be otherwise published as the Court may direct; and in case the defendant does not appear within the time limited by such Order, or within such further time as the Court appoints, then, upon proof of such publication as aforesaid of the before-mentioned Order, the Court may direct an appearance to be entered for the defendant, on the application of the plaintiff, who may thereupon proceed *ex parte* against such defendant, as if he had appeared to the Bill, and had not answered or been required to answer the same:—

NOTICE.—A. B. take notice, that if you do not

Form of no-
tice.

appear pursuant to the above Order, the plaintiff may enter an appearance for you, and the Court may afterwards grant to the plaintiff such relief as he may appear to be entitled to on his own showing.

When defendant is out of jurisdiction, but personally subject to such jurisdiction.

26. When a defendant in any suit is resident beyond the jurisdiction of the Court, but is personally subject to such jurisdiction, the plaintiff may proceed as follows :—

1st. Upon satisfying the Court in what place or country such defendant is, or may probably be found, he may obtain an Order that a copy of the Bill be served on such defendant, in such place or country, or within such limits as the Court may direct.

2nd. Such Order is to limit a time (depending on the place or country within which the copy of the Bill is to be served) within which the defendant is to appear to the Bill, and also a time within which such defendant is to plead answer or demur, or obtain from the Court further time to make his defence to the Bill.

3rd. Such Order shall be served upon the defendant, together with a copy of the Bill.

4th. If, upon the expiration of the time for appearing, it appears to the satisfaction of the Court, that the defendant was duly served with a copy of the Bill and a copy of the Order, the Court may order an appearance to be entered for the defendant, on the application of the plaintiff, who may thereupon proceed against such defendant as if he had appeared to the Bill.

Costs of appearance to be paid by defendant in any event.

27. The plaintiff having duly caused an appearance to be entered for any defendant, is entitled, as against the same defendant, to the costs of and incident to such appearance, whatever may be the event of the suit ; and such costs are to be added to any costs which the plaintiff may be entitled to receive from the defendant, or set off against any costs which he may be ordered to pay such defendant ;

but payment thereof is not to be otherwise enforced, without leave of the Court.

28. A defendant, notwithstanding that an appearance may have been entered for him by the plaintiff, may afterwards enter an appearance for himself in the ordinary way, but such appearance by such defendant is not to affect any proceeding duly taken, or any right acquired by the plaintiff, under or after the appearance entered by him, or prejudice the plaintiff's right to be allowed the costs of the first appearance.

29. The Court may make such Orders as may be just, touching the service on a defendant, for whom an appearance has been entered by the plaintiff, of all notices and other proceedings, which, according to the practice of the Court, may be served on the solicitor of the defendant, who appears by his own Solicitor, or for the substitution or omission of such service.

30. No process shall issue against the person of a defendant to any Bill to be filed under the preceding Orders, for the purpose only of compelling him to appear thereto, and no such Bill shall be taken *pro-confesso* for want of appearance ; any former Order or practice of the Court notwithstanding.

INTERROGATORIES.

31. The Interrogatories for the examination of the defendant to a Bill may be in a form similar to the form prescribed by the Orders of the High Court of Chancery, of the 7th of August, 1852,* with such variations as the nature and circumstances of each particular case may require.

32. The plaintiff who requires an answer to any Bill from any defendant thereto, must file the Interrogatories for the examination of such defen-

* See the form of Interrogatories prescribed by these orders in the Appendix, page 45.

Defendant
may enter ap-
pearance him-
self after ap-
pearance enter-
ed for him by
plaintiff.

Service of pro-
ceedings upon
defendant for
whom appear-
ance has been
entered by
plaintiff.

No process
against person
of defendant
for want of ap-
pearance, and
Bill not to be
taken pro-con-
fesso.

Form of In-
terrogatories.

Interrogato-
ries to be filed
8 days after ap-
pearance except
by leave of
Court.

dant, within eight days after the time limited for his appearance, and no Interrogatories are to be filed after the expiration of such eight days, without special leave of the Court to be applied for upon notice.

Copy Interrogatories when served, if defendant has appeared.

33. If the defendant appear in person, or by his own Solicitor, within the time limited for that purpose, by the Rules of Court, the plaintiff is, within eight days after the time allowed for such appearance, to deliver to the defendant required to answer, or to his Solicitor, a copy of the Interrogatories so filed as aforesaid, or of such of them as he shall be required to answer.

Copy Interrogatories when served if defendant has not appeared.

34. If the defendant do not appear in person, or by his own Solicitor, within the time limited for that purpose by the Rules of Court, and the plaintiff has filed Interrogatories for his examination, the plaintiff may deliver a copy of such Interrogatories to the defendant, at any time after the time allowed to such defendant to appear, and before his appearance in person, or by his own Solicitor, or to the defendant, or his Solicitor, at any time within eight days after the appearance of such defendant in person, or by his own Solicitor.

Copy Interrogatories how prepared.

35. The copy of the Interrogatories to be delivered as aforesaid, is to be examined with the original file, and the number of folios counted by the Sworn Clerk, who is to sign the same as an office copy, and for so doing is to receive a fee of Two Rupees Eight Annas for each copy, and at the foot of every such copy is to be written a notice to the defendant, served to the following effect:—"Take notice that if you do not answer these Interrogatories within one month from the date of the delivery thereof, or within such further time as the Court shall allow for that purpose, or make such other defence to the plaintiff's Bill, as, the Rules of the Court permit, you will be liable to be arrested and imprisoned."

36. A defendant required to answer a Bill must put in his plea answer or demur thereto, not demurring alone, within one month from the delivering to him or to his Solicitor, of a copy of the Interrogatories which he is required to answer ; but the Court shall have full power to enlarge the time from time to time, upon application being made to it for that purpose.

Time to answer, &c.

FORM OF ANSWER.

37. Answers are to be in a form similar to the form prescribed by the Orders of the High Court of Chancery of the 7th of August, 1852,* with such variations as the nature and circumstances of each particular case may require.

Form of answer.

PROCEEDINGS TO COMPEL AN ANSWER.

38. If a defendant, to whom a copy of the Interrogatories to be answered by him shall have been delivered under the preceding Rules, shall not put in his answer thereto within one month from the day of such date of such delivery, or within such further time as the Court shall grant for that purpose, an Attachment for want of answer may be issued against him by the Registrar upon the usual proof of default.

Proceedings to compel an answer.

PROCEEDINGS WHERE THE DEFENDANT IS NOT TAKEN OR DETAINED UNDER SUCH ATTACHMENT.

39. If the plaintiff is unable, with due diligence, to procure a Writ of Attachment for want of an answer to be executed against the defendant by reason of his being out of the jurisdiction of the Court, or being concealed, or for any other cause, or if by reason of the defendant's residing at a distance of more than 100 miles from Calcutta, or for any other cause, such Writ of Attachment cannot

Proceedings where defendant cannot be taken under attachment.

* See the form of an Answer prescribed by these orders in the Appendix, page 46.

be executed without great delay or expense, the plaintiff shall be at liberty to proceed as follows:—

If defendant appeared, motion upon the defendant, if he has appeared by his own Solicitor or days' notice to him, or upon the defendant himself, if he has not appeared by his own Solicitor, a notice, that on a day not less than fourteen days after service of such notice, the Court will be moved that the Bill may be taken *pro-confesso* against such defendant, and on the hearing of such motion, if the answer shall not, in the mean time, be filed, the Court may order the Bill to be taken *pro-confesso* against such defendant, either immediately, or at such time, or upon such further notice, as under the circumstances of the case it may think fit.

If plaintiff has entered appearance for the defendant, and such defendant has not afterwards appeared by his own Solicitor, and the plaintiff is unable to serve the defendant with a notice of motion, the plaintiff may order Bill to be taken *pro-confesso* on notice that on a day therein named, being not less than four weeks after the first insertion of such notice in the *Government Gazette*, the Court will be moved that the Bill be taken *pro-confesso* against such defendant; and the plaintiff is, upon the hearing of such motion, to satisfy the Court that he could not serve the defendant with a notice of motion; and that such Notice of Motion has been inserted in the *Government Gazette* at least once in every week, from the time of the first insertion thereof, up to the time for which the said Notice of Motion was given; and the Court being so satisfied may, if the answer has not been filed, order the Bill to be taken *pro-confesso* against such defendant, either immediately or upon such further notice as under the circumstances of the case the Court may think proper.

If defendant shall put in answer before or a notice of motion to take the Bill *pro-confesso* shall be taken, he shall have been given or inserted in the *Gazette*, he shall pay costs and before any Order to take the Bill *pro-confesso*

shall have been made, the necessary costs of any of such proceedings under the preceding Order to take the Bill *pro-confesso* shall, nevertheless, be deemed to be, and shall be recoverable as part of the costs of contempt incurred by the defendant.

41. No Writ in the nature of a commission of rebellion, and no *sequestration* shall hereafter be issued for the purpose of compelling an answer, unless the Court shall, under the special circumstances of the case, expressly direct either of such Writs to be issued.

42. If the plaintiff is not willing to proceed under the foregoing Orders to take the Bill *pro-confesso*, he may after a return of *non est inventus* to any Writ of Attachment, cause other Writs of Attachment to be issued, according to the present practice of the Court, until he succeed in taking the defendant; or he may, if he shall be so advised, give notice of motion for a Decree, or join issue by filing a Replication in the cause as if he had not required an answer from the defendant; and the defendant, after such Notice of Motion for a Decree shall have been set down, or after the filing of such Replication shall not be allowed to file his answer, except by special leave of the Court.

DEFENDANT ATTACHED FOR WANT OF ANSWER.

43. If the defendant be in custody, or being already in prison, be detained under an Attachment for not answering, and be not brought to the Bar of the Court within thirty days from the time of his being actually in custody or detained (being already in custody under such Attachment,) he is to be discharged from the process for want of answer under which he was arrested or detained by the Sheriff or Keeper of the Gaol, in whose custody he is, without payment of the costs of his contempt, which in such cases are to be paid by the plaintiff; but if such defendant does not put in his answer within eight days after his discharge, the plaintiff may cause a new

If defendant be in custody under attachment and not brought to the bar within 30 days, he is to be discharged.

Costs.

If defendant does not put in answer 8 days after discharge,

a new attachment may be issued. Attachment to be issued against him for want of his answer.

Proceedings to be taken by plaintiff when want of answer against any defendant, or at any time within three weeks afterwards, the plaintiff may attach such defendant.

44. Upon the execution of an Attachment for want of answer against any defendant, or at any time within three weeks afterwards, the plaintiff may cause such defendant to be served with a notice of motion to be made on some day not less than three weeks after the day of such service, that the Bill may be taken *pro-confesso* against such defendant; and thereupon, unless the defendant has, in the mean time, put in his answer to the said Bill, or obtained further time to answer the same, the Court, if it so think fit, may order the Bill to be taken *pro-confesso* against such defendant, either immediately or at such time, and upon such terms, and subject to such conditions as under the circumstances of the case the Court may think proper.

PRO-CONFESSO HEARING—DECREE.

When causes in which an order to take the Bill *pro-confesso* is made to be heard.

45. No cause, in which an Order is made that a Bill be taken *pro-confesso* against a defendant, is to be heard on the same day on which the Order is made; but the cause is to be set down to be heard, and the Court, if it so thinks fit, may appoint a special day for the hearing thereof.

Defendant may come in at hearing and be heard upon the merits as stated in the Bill.

46. A defendant against whom an Order to take a Bill *pro-confesso* is made, is at liberty to appear at the hearing of the cause; and if he waives all objection to the Order, but not otherwise, he may be heard to argue the case upon the merits, as stated in the Bill.

Decree in cause in which a Bill has been ordered to be taken *pro-confesso*.

47. Upon the hearing of a cause in which a Bill has been ordered to be taken *pro-confesso*, such Decree is to be made as to the Court seems just; and in the case of any defendant, who has appeared at the hearing and waived all objections to such Order, to take the Bill *pro-confesso*, or against whom the Order has been made upon notice duly

served upon himself, or his own solicitor, the Decree is to be absolute.

48. In pronouncing the Decree, the Court may, either upon the case stated by the Bill, or upon that case and a petition presented by the plaintiff for the purpose, as the case may require, order a Receiver of the real and personal estate of the defendant against whom the Bill has been ordered, to be taken *pro-confesso* to be appointed with the usual directions, or direct a sequestration of such real and personal estate to be issued, and may (if it appear just) direct payment to be made out of such real or personal estate of such sum or sums of money as at the hearing, or any subsequent stage of the cause, the plaintiff appears to be entitled to, provided that unless the Decree be absolute, such payment is not to be directed without security being given by the plaintiff, for restitution, if the Court afterwards thinks fit to order restitution to be made.

49. A Decree founded upon a Bill taken *pro-confesso*, is to be passed and entered as other Decrees. Decree how passed.

50. After a Decree founded on a Bill taken *pro-confesso* has been passed and entered, an office copy thereof is (unless the Court dispenses with service thereof) to be served on the defendant against whom the Order to take the Bill *pro-confesso* was made or his solicitor; and if the Decree be not absolute under Order 47, such defendant, or his solicitor, is to be at the same time served with a notice to the effect, that if such defendant desires permission to answer the plaintiff's Bill and set aside the Decree, application for that purpose must be made to the Court, within the time specified in the notice, or that such defendant will be absolutely excluded from making any such application.

51. If such notice as is mentioned in Order 50, is to be served within the jurisdiction of the Court, the time therein specified for such application to be made by the defendant, is to be three weeks after

If such notice is to be served in jurisdiction the time limited is to be 3

weeks : if out of service of such notice ; but if such notice is to be jurisdiction, served out of the jurisdiction of the Court, such time as Court may ap- time is to be especially appointed by the Court on point. the *ex-parte* application of the plaintiff.

No proceedings to compel performance of a decree can be taken without leave of the Court.

52. No proceeding is to be taken, and no Receiver appointed under the Decree, nor any Sequestrator under any sequestration issued in pursuance thereof, is to take possession of, or in any way interfere with, any part of the real and personal estate of a defendant, and no other process is to issue to compel performance of the Decree without leave of the Court, which is to be obtained on motion with notice served on such defendant, or his solicitor, unless the Court dispenses with such service.

When defendant can have cause re-heard upon the merits stated in the Bill.

53. Any defendant waiving all objection to the Order to take the Bill *pro-confesso*, and submitting to pay such costs as the Court may direct, may, before enrolment of the Decree, have the cause re-heard upon the merits stated in the Bill, the petition for re-hearing being signed by Counsel as other petitions for re-hearing.

Where a decree is not absolute, defendant may apply to answer.

54. Where the Decree is not absolute under Order 47, and has not been made absolute under Order 50, and a defendant has a case upon the merits not appearing in the Bill, he may apply to the Court by petition, stating such case, and submitting to such terms with respect to costs and otherwise, as the Court may think reasonable, for leave to answer the Bill ; and the Court being satisfied that such case is proper to be submitted to the judgment of the Court, may, if it thinks fit, and upon such terms as seem just, vacate the enrolment (if any) of the Decree, and permit such defendant to answer the Bill ; and if permission be given to defendant to answer the Bill, leave may be given to file a separate Replication to such answer, and issue may be joined and witnesses examined, and such proceedings had as if the Decree had not been made, and no proceedings against such defendant had been had in the cause.

55. The rights and liabilities of any plaintiff or defendant, under a Decree made upon a Bill taken *pro-confesso*, extend to the representatives of any deceased plaintiff or defendant, and to any persons or person claiming under any person who was a plaintiff or defendant at the time when the Decree was pronounced ; and with reference to the altered state of parties, and any new interests acquired, the Court may, upon motion or petition, served in such manner and supported by such evidence as under the circumstances of the case the Court deems sufficient, permit any party and the representatives of any party to file such Bill or Bills, or adopt such other proceedings as the nature and circumstances of the case require for the purpose of having the Decree (if absolute) duly executed, or for the purpose of having the matter of the Decree (if not absolute) duly considered and the rights of the parties duly ascertained and determined.

Effect of decree made upon a Bill taken pro-confesso.

PROCEEDINGS UNDER AN INTERLOCUTORY DECREE TAKEN PRO-CONFESSO.

56. If the decree made upon any Bill taken *pro-confesso* shall not be final, the defendant, against whom such Bill shall have been taken *pro-confesso*, shall, unless the Court shall otherwise direct, be entitled to be served with the usual notice of subsequent proceedings and to attend and resist any proceedings taken against him ; but shall not be entitled to take any substantive proceeding under the Decree for his own benefit, except by leave of the Court and upon such terms as to costs or otherwise as the Court may see fit to impose.

As to defendant's right to have notice of, and resist proceedings subsequent to an interlocutory decree taken pro-confesso.

MOTION FOR A DECREE.

57. One month's notice is to be given by the plaintiffs to the defendant of the motion, for a Decree or Decretal Order.

One month's notice of motion for a decree.

58. The Affidavits to be used in support of such a motion are to be filed before the service of such notice, and a list of such Affidavits is to be set forth at the foot of such notice.

Affidavits in support of motion.

Defendant's Affidavits. 59. The defendant, within fourteen days after service of such notice, is to file his Affidavits in answer and to furnish the plaintiff or his solicitor with a list thereof.

Plaintiff's Affidavits in reply. 60. Within seven days after the expiration of such fourteen days the plaintiff is to file his Affidavits in reply, which Affidavits shall be confined to matters strictly in reply, and he is to furnish the defendant or his solicitor with a list thereof; and except so far as these Affidavits are in reply, they are not to be regarded by the Court, unless upon the hearing of the motion the Court shall give leave to the defendant to answer them, and in that case the costs of such Affidavit and of the further Affidavits consequent upon them, shall be paid by the plaintiff, unless the Court shall otherwise order.

No other evidence without leave of Court.

Entry of notice of motion and setting down the same.

Where a defendant shall not have been required to answer and not answered, Replication to be filed.

Application to dismiss Bill for want of prosecution.

61. No further evidence on either side is to be used upon such motion for a Decree or Decretal Order, without leave of the Court.

62. Every notice of motion for a Decree or Decretal Order is to be entered with the Registrar, who is to make out a list of such motions, and set down the same in the special Peremptory Board.

63. Where a defendant shall not have been required to answer, and shall not have answered the plaintiff's Bill, so that under the 12th* Section of Act VI. of 1854, he shall be considered as having traversed the case made by the Bill, issue is nevertheless to be joined by filing a Replication in the form or to the effect of the Replication now in use.

DISMISSAL FOR WANT OF PROSECUTION.

64. A defendant in a suit commenced by Bill, who shall not have been required to answer the Bill, and shall not have answered the same, shall be at liberty, at any time after the expiration of three months, from the time of entering his appearance,

* See page 7.

and a defendant, who shall have answered the Bill, shall be at liberty, at any time after the expiration of two months from the time of filing such answer to apply for an order to dismiss the Bill for want of prosecution, unless a notice of motion for a Decree or Decretal Order shall have been set down in the mean time, or the cause shall have been set down to be heard ; and the Court may, upon such application, if it shall think fit, make an Order, dismissing the Bill, or make such other Order, or impose such terms as may appear just and reasonable.

65. The application to be made for the costs of any impertinent matter introduced into any Bill, answer or other proceeding, is to be made at the time when the Court disposes of the case or matter, and not at any other time.

66. Notice of every application to be made under the 15th Section of Act VI. of 1854,* for an Order that the parties may be at liberty to verify their respective 'cases' by Affidavit, must be given within seven days after issue joined in the suit ; and every application under the 16th Section of the same Act,† for using any Affidavit or Affidavits as to particular facts and circumstances, must be made at least one week before the cause has been set down in the Peremptory Board, unless the Court shall, on special grounds, see fit to permit such application to be made at a later period.

ADDING TO DECREE.

67. The time within which a party served with notice of a Decree under the 8th Rule of the 21st Section of Act VI. of 1854,‡ may apply to the Court to add to the Decree, is to be one month after such service.

68. A memorandum of the service upon any person or persons of notice of the Decree in any

Memorandum
of service of no-
tice of decree.

* See page 8.

† See page 8.

‡ See page 10.

suit, under the 8th Rule of the said Section, is to be entered in the office of the Registrar, upon due proof by Affidavit of such service.

SUMMONS.

Form of Summons under Sections 24 or 25 of the Act.

69. The Summons to be obtained under the 24th or 25th Sections of the above-mentioned Act, may be in a form similar to the form set forth in Schedule C. to these Orders, with such Variations as the circumstances of the case may require.

REVIVOR AND SUPPLEMENT.

Order to revive.

70. Any party under no disability, or under the disability of coverture, who may be served with an Order to revive any suit, or to carry on the proceedings therein, may apply to the Court to discharge such Order within twelve days after such service; and any party being under any disability, other than coverture, who may be so served, may apply to the Court to discharge such Order within twelve days after the appointment of a guardian or guardians *ad litem* for such party; and until such period of twelve days shall have expired, such Order shall have no force or effect against such last-mentioned party.

NEW FACTS OR CIRCUMSTANCES.

New facts or circumstances.

71. If the plaintiff in any cause which is not in such a state as to allow of an amendment being made in the Bill, shall desire to state or put in issue any facts or circumstances which may have occurred after the institution of the suit, he may with the leave of the Court state the same, and put the same in issue by filing in the Sworn Clerk's Office a statement either written or printed to be annexed to the Bill; and such proceedings, by way of answer, evidence and otherwise, are to be had and taken upon the statement so filed as if the same were embodied in a supplemental Bill. Provided always that the Court may make any Order which it may think fit for accelerating the proceedings thereunder,

or proceedings therein, in any manner which may appear just and practicable.

POWER OF COURT.

72. The Power of the Court to enlarge or change the time for doing any act or taking any proceedings in any cause or matter upon such, if any, terms as the justice of the case may require is unaffected by these Orders.

73. All former Orders of the Court touching proceedings for default of appearance or answer, or for taking the Bill *pro-confesso*, or for obtaining or proceeding under a Decree upon a Bill so taken, or touching any other matter to which these Orders relate, so far as they are inconsistent with these Orders or any of them, but not further or otherwise, are hereby abrogated and discharged.

74. In these Orders the following words have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, *viz.* :—

1st. Words importing the singular number include the plural number.

2nd. Words importing the masculine gender include the feminine.

3rd. The word “Bill” includes “Information.”

4th. The word “party” includes a “body politic” or “corporate.”

5th. The word “Affidavit” includes “Affirmation.”

6th. The word Court includes a Judge sitting in Chambers, in respect of all matters of which a Judge so sitting is competent to dispose by virtue of the 42nd Section of Act No. VI. of 1854, or otherwise.

SCHEDULE A.

FORM OF INDORSEMENT ON BILL OF COMPLAINT.

VICTORIA R.

To the within named defendant C. D. greeting.
 We command you, that within days after
 the service hereof on you, exclusive of the day of
 such service, you cause an appearance to be entered
 for you in our Supreme Court of Judicature at Fort
 William in Bengal, to the within Bill of Complaint
 of the within named A. B., and that you observe
 what our said Court shall direct. Witness Sir Law-
 rence Peel, Knight, Chief Justice at Fort William
 aforesaid, the day of , in the Year
 of Our Lord 185 , and in the Year
 of Our Reign.

NOTE.—Appearances are to be entered at the
 Equity Registrar's Office in the Supreme Court at
 Calcutta, and if you do not cause your appearance to
 be entered within the time above limited, the plain-
 tiff will be at liberty to proceed against you in his
 suit in your absence.

FORM OF INDORSEMENT ON CLAIM.

VICTORIA R.

To the within named defendant C. D. greeting.
 We command you, that within days after
 service hereof, exclusive of the day of such service,
 you do cause an appearance to be entered for you
 in our Supreme Court of Judicature at Fort Willi-
 am in Bengal, to the within claim of the within
 named A. B., and further that, on the day
 after the service hereof, or on the motion day then
 next following, you do personally or by Counsel
 appear in the said Court at eleven of the clock in the
 forenoon, and then and there show cause why the
 said A. B. should not have such relief against you
 as is within desired, or why such order as shall be

just with reference to the claim should not be made. Witness Sir Lawrence Peel, Knight, Chief Justice at Fort William aforesaid, the day of , in the Year of Our Lord 185 and in the Year of Our Reign.

NOTE.— Appearances are to be entered at the Equity Registrar's Office in the Supreme Court at Calcutta ; and if you neglect to enter your appearance, and either personally or by Counsel to appear in the said Supreme Court at the time above-mentioned, you will be subject to such order as the Court may think fit to make against you in your absence, for payment or satisfaction of the said Claim, as the nature and circumstances of the case may require.

SCHEDULE B.

TABLE OF FEES.

	As. P.
For making a Copy of the Bill or Claim for the Printer, per folio. Co.'s Rs. 0 8 0	
For correcting the proof sheet, per folio	0 4 0
For Printer's Bill (as paid,) de- ducting any copies paid for by the defendant	0 0 0
For amending each Copy of a Bill or Claim to serve, where there is no re-print.....	10 0 0
Instructions for Brief to be allow- ed on a Replication being filed, or on a motion for a Decree on a Bill, or in an Injunction Cause on moving for the Injunction : but so that this fee be charged only once in the progress of the cause.....	16 0 0
For amending each Brief of Bill or Claim where there is no re- print.....	10 0 0

For perusing and considering
the Bill on behalf of each de-
fendant, or set of defendants ap-
pearing by the same solicitor. Co.'s Rs. 16 0 0

SCHEDULE C.

FORM OF SUMMONS.

In Equity.

IN THE MATTER OF THE
ESTATE OF A. B. DECEASED.

C. D.

vs.

E. F.

Upon the application of C. D. of &c., who claims to be a Creditor (or a Legatee, &c., as the case may be) of the above-named A. B., let E. F., the Executor (or other Representative, as the case may be) of the said A. B., attend at my Chambers on the day of at o'clock, and show cause if he can, why an order for the administration of the personal (or moveable and immoveable, as the case may be) Estate of the said A. B., by the Supreme Court of Judicature at Fort William in Bengal, should not be made. Dated this day of 185 .

G. H.,

Chief Justice or Puisne Justice.

A P P E N D I X.

FORM OF BILL.

In Chancery.

John Lee.....	<i>Plaintiff.</i>
James Styles } and Henry Jones }	<i>Defendants.</i>

Bill of Complaint.

TO THE RIGHT HONOURABLE EDWARD BURTON-SHAW, BARON ST. LEONARDS, OF SLAUGHAM, IN THE COUNTY OF SUSSEX, LORD HIGH CHANCELLOR OF GREAT BRITAIN, ●

Humbly complaining, sheweth unto his Lordship, John Lee, of Bedford Square, in the County of Middlesex, Esq., the above-named plaintiff as follows ;—

1. The defendant James Styles, being seized in fee simple of a Farm called Blackacre, in the Parish of A, in the County of B, with the appurtenances, did, by an indenture, dated the 1st of May, one thousand eight hundred and fifty, and made between the defendant James Styles of the one part, and the plaintiff of the other part, grant and convey the said Farm with the appurtenances unto and to the use of the plaintiff, his heirs and assigns, subject to a proviso for redemption thereof, in case the defendant James Styles, his heirs, executors, administrators or assigns, should on the 1st of May, one thousand eight hundred and fifty-one, pay to the plaintiff, his executors, administrators or assigns, the sum of five thousand pounds, with interest thereon, at the rate of five pounds per centum per annum, as by the said indenture will appear.

2. The whole of the said sum of five thousand pounds, together with interest theron at the rate aforesaid, is now due to the plaintiff.

3. The defendant Henry Jones claims to have some charge upon the Farm and Premises comprised in the said indenture of mortgage of the 1st of May, one thousand eight hundred and fifty, which charge is subsequent to the plaintiff's said mortgage. *

4. The plaintiff has frequently applied to the defendants James Styles and Henry Jones, and required them either to pay the said debt, or else to release the equity of redemption of the Premises, but they have refused so to do.

5. The defendants James Styles and Henry Jones pretend that there are some other mortgages, charges and incumbrances affecting the Premises but they refuse to discover the particulars thereof.

6. There are valuable oak, elm, and other timber and timber-like trees growing and standing on the Farm and Lands comprised in the said indenture of mortgage of the 1st of May, one thousand eight hundred and fifty, which trees and timber are a material part of the plaintiff's said security; and if the same or any of them were felled and taken away, the said mortgaged Premises would be an insufficient security to the plaintiff for the money due theron.

7. The defendant James Styles, who is in possession of the said Farm has marked for felling a large quantity of the said oak and elm-trees and other timber and he has by hand-bills, published on the second December instant, announced the same for sale, and he threatens and intends forthwith to cut down and dispose of a considerable quantity of the said trees and timber on the said Farm.

Prayer.

The plaintiff prays as follows:—

1. That an account may be taken of what is due for principal and interest on the said mortgage.
2. That the defendants James Styles and Henry Jones may be decreed to pay to the plaintiff the amount which shall be so found due, together with his costs of this suit, by a short day to be appointed for that purpose, or, in default thereof, that the defendants James Styles and Henry Jones and all persons claiming under them, may be absolutely foreclosed of all right and equity of redemption in or to the said mortgaged Premises.
3. That the defendant James Styles may be restrained by the injunction of this Honourable Court from felling, cutting or disposing of any of the timber or timber-like trees now standing or growing in or upon the said Farm and Premises comprised in the said indenture of mortgage, or any part thereof.
4. That the plaintiff may have such further or other relief as the nature of the case may require.

Names of defendants.

The defendants to this Bill of Complaint are

JAMES STYLES,
HENRY JONES,

Y. Y.

(*Name of Counsel.*)

NOTE.—This Bill is filed by Messrs. A. B. and C. D., of Lincoln's Inn, in the County of Middlesex, Solicitors for the above-named plaintiff.

FORM OF INTERROGATORIES.

In Chancery.

John Lee	<i>Plaintiff.</i>
James Styles and Henry Jones }	<i>Defendants.</i>

Interrogatories for the examination of the above-named defendants in answer to the plaintiff's Bill of Complaint.

1. Does not the defendant Henry Jones claim to have some charge upon the Farm and Premises comprised in the indenture of mortgage of the first of May, one thousand eight hundred and fifty, in the plaintiff's Bill mentioned?

2. What are the particulars of such charge, if any, the date, nature and short effect of the security, and what is due thereon? *

3. Are there or is there any other mortgages or mortgage, charges or charge, incumbrances or incumbrance, in any and what manner affecting the aforesaid Premises or any part thereof?

4. Set forth the particulars of such mortgages or mortgage, charges or charge, incumbrances or incumbrance; the date, nature and short effect of the security; what is now due thereon; and who is or are entitled thereto respectively; and when and by whom, and in what manner, every such mortgage, charge or incumbrance was created.

The defendant James Styles is required to answer all these Interrogatories.

The defendant Henry Jones is required to answer the Interrogatories numbered 1 and 2.

Y. Y.

(*Name of Counsel.*)

FORM OF ANSWER.

In Chancery.

John Lee..	<i>Plaintiff.</i>
James Styles and Henry Jones } ..	<i>Defendants.</i>

The answer of James Styles, one of the above-named defendants, to the Bill of Complaint of the above-named plaintiff.

In answer to the said Bill, I, James Styles, say as follows ;—

1. I believe that the defendant Henry Jones does claim to have a charge upon the Farm and Premises comprised in the indenture of the 1st of May, one thousand eight hundred and fifty, in the plaintiff's Bill mentioned.

2. Such charge was created by an Indenture, dated the 1st of November, one thousand eight hundred and fifty, made between myself of the one part, and the said defendant Henry Jones of the other part, whereby I granted and conveyed the said Farm and Premises, subject to the mortgage made by the said indenture of the 1st of May, one thousand eight hundred and fifty, unto the defendant Henry Jones, for securing the sum of two thousand pounds and interest at the rate of five pounds per centum per annum, and the amount due thereon is the said sum of two thousand pounds, with interest thereon from the date of such mortgage.

3. To the best of my knowledge, remembrance and belief, there is not any other mortgage, charge or incumbrance affecting the aforesaid Premises.

M. N.

(*Name of Counsel.*)

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Not to issue for want of answer unless Court so direct	31
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RECEIVER—

Proceedings in cases concerning	16
Court may appoint, by Decree on Bill taken pro-confesso	33
Not to act without leave of Court ..	..	..	..	34

REGISTRAR—

To counter-sign indorsements ..	..	..	..	20
To state date of filing of Bill or Claim ..	..	..	..	20
Copy of summons to Executor or Administrator to be filed with	..	..	..	12
Copy to be served to be counter-signed by ..	..	..	..	12
May issue Writ of Attachment for want of answer ..	..	..	..	29
Entry of notice of motion ..	..	..	..	36
To set down motion for Decree, &c., in the special Pememptory Board ..	..	..	..	36
To enter Memorandum of service of notice of Decree	37

RE-HEARING—

When defendant may have cause re-heard upon merits	34
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REPLICATION—

When issue to be joined by filing	7, 31, 34,	36
To be in form or to the effect of that now in use	7

REPORT—(See Master, &c.)**REPRESENTATIVES—**

Proceedings by or against, under a Decree on Bill taken pro-confesso ...	35
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REVIVAL—

In case of misjoinder	13
Order for	14
—Application to discharge	14,	37

SALE—

Court may direct, of mortgaged property instead of fore-closure	..	..	..	..	..	13
Of real estate	..	..	..	..	..	15
— directions as to profits, possession, &c.	..	..	..	..	..	15

SEALER—

Not to seal indorsement without counter-signature of Registrar	20
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SECURITY—

When payment directed by Decree on Bill taken pro-confesso	33
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SEQUSTRATION—

Not to issue for want of answer unless Court so direct	31
Court may order, by Decree on Bill taken pro-confesso	33
Not to be proceeded with without leave of Court	..	..	..	..	..	34

SERVICE—

Of printed Copy, Bill or Claim how to be effected ..	..	..	..	..	..	20
— Court may direct substitution of	..	..	..	..	..	21
Of written Copy of Bill	..	..	..	..	..	21
Of amended Bill where defendant appears in person	..	..	..	..	..	23
Of Order, Copy Bill, &c., on defendant beyond jurisdiction, &c	..	..	..	..	..	25, 26
On defendant for whom appearance has been entered by plaintiff	..	..	..	..	..	27
Of summons on Executor or Administrator	..	..	..	..	..	12
Of order for revival	..	..	..	..	..	14
Of Decree on Bill taken pro-confesso	33

SOLICITOR—

To pay defendant's costs if printed Copy Bill not filed	22
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SUBPOENA—

To appear and answer abolished	19
— except as to Bills filed before 1st May, 1854	23
Ad Testificandum	..	..	..	..	..	8,
Duces te-cum...	..	..	..	..	..	9

SUMMONS—

Upon Claims abolished	..	..	..	..	..	19
— except as to Claims, filed before 1st May, 1854	..	..	..	..	..	23
To Executor or Administrator ..	..	..	..	..	..	11
— form of	..	..	..	..	..	42
— order on	..	..	..	..	..	12

SUPPLEMENTAL BILL—

Unnecessary for stating matters arising after institution of suit	..	..	..	..	..	15
Proceedings in lieu of...	..	..	..	..	..	15,

SWARING—

Formalities as to, of Affidavits sufficient as to pleas, answers, disclaimers and examinations	7
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SWORN CLERK —

Certificate of Bill or Claim filed	20
To take written Copy off the file	21
— Certificate	..	..	..	..	..	22
Memorandum endorsed on Copy amended Bill or Claim	..	..	..	..	..	23
Interrogatories to be filed in office of	..	..	..	..	..	5,
— Fee for examining Copy and marking number of folios...	..	..	..	..	..	7

TRAVERSE—

Defendant deemed to have traversed plaintiff's case when no answer required or put in	8.	33
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TIME—

Within which plaintiff may enter appearance for defendant as of course	24
Within which defendant beyond jurisdiction may appear, answer, &c. ....	...	...	...	...	...	...	26
Defendant may plead answer or demur .....	...	...	...	5,	29,	31	
To file exception to report of Judge or Master .....	...	...	...	...	...	...	16
To file interrogatories and deliver copy .....	...	...	...	...	...	...	25
— where defendant does not appear .....	...	...	...	...	...	...	28
To answer defendant's interrogatories .....	...	...	...	...	...	...	7
Defendant in custody to be brought to Bar of Court .....	...	...	...	...	...	...	31
To apply to set aside decree on Bill taken pro-confesso .....	...	...	...	...	...	...	33
Notice to be given of motion for Decree .....	...	...	...	...	...	...	35
When defendant may move for dismissal of Bill for want of prosecution .....	...	...	...	8,	...	...	36
To apply for costs of any impertinent matter .....	...	...	...	...	...	...	37
Application to file Affidavits .....	...	...	...	...	...	...	37
— to use Affidavits .....	...	...	...	...	...	...	37
To apply to discharge order for revival, &c.	38

TRUSTS—

Decree for execution of	16
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TRUSTEE—

May have decree for execution of trusts	10
May represent cestui que trust	11

WITNESSES—

Attendance of .....	...	...	...	...	...	8,	9
Commission to examine absent .....	...	...	...	...	...	...	8

WRITTEN COPY—

Of Bill of Complaint or Claim may be filed .....	...	...	...	...	...	...	24
Plaintiff or his Solicitor must undertake to file printed Copy within three weeks .....	..	..	..	..	..	..	24
Service of .....	...	...	...	...	...	...	24
Sworn Clerk to take off the file if printed Copy be not filed within three weeks .....	...	...	...	...	...	...	24

(See also Costs.)

FINIS.

